

## Freedom From Workplace Violence

### Administrative Procedure 8.100

**Board Governance Policy Cross Reference:**

**Legal Reference:** Safe Schools Charter, Manitoba Public Schools Act, Education Administration Act, Appropriate Educational Programming In Manitoba

**Date Adopted:** October, 2001

**Date Amended:** October, 2012; May, 2013; April, 2015; November, 2025

**Date Reviewed:**

The School District of Mystery Lake wishes to acknowledge the assistance of Seven Oaks School Division in the development of this procedure.

In accordance with this policy the term co-chairs refers to the employee chairperson and the employer chairperson of the Workplace Safety and Health Committee. Workers in Manitoba have three health and safety rights guaranteed to them by law: The Right to Know; The Right to Participate, and the Right to Refuse.

All employees and students within the School District of Mystery Lake have the right to work and learn in an environment supportive of their personal health, safety and well-being.

All employees have the responsibility to take those actions deemed necessary to maintain an environment free from physical violence, verbal abuse or the threat of physical assault. The School District has the responsibility to eliminate or control the risk of violence to employees – Workplace Health and Safety Regulation on Violence Prevention. Teachers and administrators have the authority to maintain order and discipline in the school - Public Schools Act 96(c). Students and staff have a responsibility to behave in a courteous and self-disciplined manner towards all Divisional employees and other students.

The Division has a responsibility to:

- ensure as much as reasonably practical, that no employees are subjected to violence in the workplace.
- Take corrective action with any persons under their direction who subjects an employee to violence.
- Not disclose the name of a complainant or the circumstances of a complaint to anyone except where disclosure is:
  - Necessary to investigate a complaint
  - Required to take corrective action

- Required by law

## **PROCEDURE - CONSEQUENCES FOR STUDENTS WHO COMMIT ACTS OF VIOLENCE**

### **1.0 GENERAL CONSIDERATIONS**

The sequence of steps in response to a violent incident will be determined by the school administrators, in consultation with staff, and in accordance with this policy, the Code of Conduct; Discipline Policy, and school procedures and legal requirements. Each act of alleged violence or abuse is to be **recorded** on the appropriate report form with a copy filed at the school, the co-chairs of W.S.H. and at the Superintendent's Department.

School procedures shall provide for:

- a) notification to parent(s) or guardian(s) as soon as possible and involving them, where appropriate, in dealing with the problem
- b) a system of consequences and, where possible, appropriate progressive consequences that involve a learning experience for the offender (Code of Conduct, Discipline Policy). This may include a behaviour intervention plan
- c) safety of students and staff
- d) notification of police when deemed necessary

### **2.0 PHYSICAL ASSAULT – CONSEQUENCES**

**Physical Assault** is the act of striking or touching a person with a part of the anatomy or an object, with the intent of causing hurt or harm.

Public Schools Act, Section 96(f)

“Each teacher shall: Seize or cause to be seized and take possession of any offensive or dangerous weapon that is brought to school by a pupil and hand over any such weapon to the principal who shall notify the parent or guardian warning him that the pupil may be suspended or expelled from the school.”

Appropriate Educational Programming in Manitoba, Section A. 1 (page 18)  
 “School divisions shall: Provide reasonable accommodation for students who have exceptional learning needs that affect their behaviour, and when disciplining the student, take into consideration the student’s ability to comply and the amount of support required” (MR 468/88)

## 2.1 Kindergarten – Grade 6

In cases of physical assault by a student on another student or adult in the District, the principal shall exercise judgement regarding appropriate procedures as outlined in the Code of Behaviour and Consequences. The aggressor in an assault incident will receive a consequence greater than those that are deemed to respond to the aggression. The procedures are outlined below for consequences.

In cases of physical assault, according to the definition on page 2, of a student on a staff member in the District, the administrator and other persons required shall conduct an investigation.

The following actions will occur for either of the above infractions:

- a) set up a conference involving the parent(s), student and staff member, develop an SSP process or behaviour intervention plan to address the concern, or conduct a threat assessment and the school shall implement necessary control measures to reduce risk and provide training on contingencies
- b) suspend for a minimum of two days from school for the first offence and progressively longer for each subsequent offence, An in-school suspension may occur for a first offence
- c) recommend to the Superintendent that the student:
  - ❑ be reinstated under certain conditions, including referral to District support services or outside agencies
  - ❑ be suspended for a longer period;
  - ❑ be expelled from the school or the District.

***“Notwithstanding the above, the principal may use discretion in applying (b) and (c) above for children in K-6. Written documentation is expected.”***

## 2.2 Grades 7 – 12

In cases of physical assault by a student on another student or adult in the District, the principal shall exercise judgement regarding appropriate procedures as outlined in the Code of Conduct and Discipline Policy. In cases of a student fighting with another student, the principal will suspend the student(s) from the classroom or the building for up to two days and progressively longer suspensions for subsequent offences. The aggressor will receive a consequence greater than those that respond to the aggression.

In cases of a student physically assaulting a staff member in the school, the principal will consult the affected staff member and take one or more of the actions outlined above for early and middle years students. The minimum suspension to be 5 school days.

The police may be contacted at the discretion of the Principal or the staff member.

In cases of sexual assault or indecent exposure the District policy for the reporting of child abuse shall be followed. Safety of the teachers, staff and students must be a major consideration in the consequences applied.

### 3.0 **EMOTIONAL OR VERBAL ABUSE - CONSEQUENCES**

#### **Verbal Abuse**

Verbal abuse occurs when an individual has an outburst (usually, but not always accompanied by behaviours such as loss of rationalization, venting, screaming, swearing or threatening) directed at an individual or group. Normally verbal abuse occurs beyond a single incident. Incidents like swearing may be considered a minor incident when they occur as a single incident. The consequence may be a verbal warning with written documentation. Repeated violations will be considered as a major offence and will result in a suspension as outlined below.

When a staff member experiences verbal abuse from a parent, they are directed to end the conversation and report the incident to their supervisor. The parent will be notified that the behaviour was not acceptable and will not be tolerated and the Principal will document the notification.

**Emotional abuse** shall include, but not be restricted to, the following:

- 1) Insults, obscene gestures, verbal abuse, written abuse, abusive telephone calls, and/or wrongful allegations, text messages, social media comments/posts
- 2) Harassment, including discrimination and/or overt prejudice which is premised upon race, culture, religion, ethnicity, gender, and/or lifestyle
- 3) A threat or threats of physical violence against others, and their family(ies) or their property
- 4) Two and three above usually necessitate greater consequences

Staff are to model the appropriate actions and behaviours expected of our students.

### 3.1 **Kindergarten – Grade 6**

In cases of emotional or verbal abuse by a student on another student or adult in the District, the principal shall exercise judgement regarding appropriate procedures as outlined in the Code of Conduct. The procedures for consequences are outlined below.

In the cases of emotional or verbal abuse by a student against a staff member in the District, the principal shall consult with the affected staff member.

The following actions may occur for either of the above infractions:

- a) set up a conference involving the parent(s), student and staff member
- b) suspend for one to five days from class or school, depending on the severity of the action, with progressively longer suspensions for further incidents
- c) develop a written behaviour intervention plan
- d) recommend to the Superintendent that the student:
  - be reinstated under certain conditions, including referral to District support services or outside agencies
  - be suspended for a longer period
  - be expelled from the school or the District

***“Notwithstanding the above, the principal may use discretion in applying (b) and (c) above for children in K-6. Written documentation is expected.”***

### 3.2 **Grade 7 – 12**

In cases of emotional or verbal abuse by a student on another student or adult in the District, the principal shall exercise the same procedures as outlined with early/middle year’s students with recognition that senior year’s students need to be more accountable for their actions based on age.

In the cases of emotional or verbal abuse by a student against a staff member in the District, the principal shall consult with the affected staff member and take the following actions:

- a) set up a conference involving the parent(s), student and staff member,
- b) suspend for two to five days from class or school with progressively longer suspensions for subsequent actions,
- c) develop a written behaviour intervention plan to address the concern,

- d) recommend to the Superintendent that the student:
- ❑ be reinstated under certain conditions, including referral to District support services or outside agencies
  - ❑ be suspended for a longer period
  - ❑ be expelled from the school or the District

#### 4.0 **Freedom From Violence in the Workplace**

The School District of Mystery Lake is committed to providing safe and secure workplaces for all staff. It is everyone's responsibility for the creation of a safe working environment that is free from violence. The District will ensure, so far as is reasonably practicable, that no member of the School District of Mystery Lake community is subject to violence. Actions are taken to identify possible sources of violence and to implement a violence prevention program to minimize the risk of violence.

#### 4.1 **Definitions**

- A) Violence is defined as the attempted or actual exercise of physical force against a person and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.
- B) A workplace is defined as any place where individuals perform work or work-related duties or functions for the School District of Mystery Lake including, but not limited to:
- The Board Office
  - Off-site classrooms
  - Schools
  - Work related events
  - Other locations where work-related activities take place and where workers or others covered under this Policy perform work related functions.

Canada's Criminal Code prohibits violence. You have a right to live and work without being subjected to violence. This policy outlines what to do if you are subject to threats or violence at work or if you, as an administrator or an employee, become aware of a violent situation.

#### 4.2 **Employee Responsibilities**

- Employees are responsible for working together in a professional manner and to resolve issues in a non-violent manner.

- Employees are to bring issues to their school administrator or supervisor if they cannot be mutually resolved.
- Employees must report incidents of violence to their school administrator or supervisor.
- Employees must cooperate in the investigation of a violent incident.
- Anyone who gives evidence or information in an investigation or is involved in the process must keep this information confidential except when it is necessary to deal effectively with the issue.

#### 4.3 **School District Responsibilities**

- The District will update this policy to be in accordance with any legal changes as soon as practical.
- The District, its administrators and supervisors, are responsible for creating a safe working environment that is free from violence. Anyone aware of violence in our workplace must bring it to the attention of administration so the issue can be addressed immediately.
- Where it is determined that there has been a violent incident the District will take corrective action.
- The name of the complainant or the circumstances of the complaint will not be disclosed to anyone, except where the disclosure is:
  - Necessary to investigate the complaint.
  - Required to take corrective action.
  - Required by law.
- Any information that is disclosed (as above) will be the minimum required for the purpose.
- When communicating information to address a risk of violence, staff must comply with the Personal Health Information Act (PHIA) and the Freedom of Information and the Protection of Privacy Act (FIPPA).
  - Under FIPPA the District may disclose personal information where necessary to protect the mental or physical health or the safety of any individual or group of individuals.
  - Under PHIA the district may disclose personal health information without the consent of the individual the information is about if the district reasonably believes that the disclosure is necessary to prevent or lessen a serious or immediate threat to:
    - The health or safety of an individual; or
    - Public health or public safety.

Example – Student at school with a risk of violence:

- FIPPA applies.
- The district may disclose some information to staff (teachers, EA's, etc.) that are unaware of a risk of violence.

- The district may release situation specific information and Precautions. (Eg. The student becomes aggressive, kicks and bites when it is time to come in from recess. Give a two minute warning before the bell rings.)
  - Do not disclose a student's diagnosis.
- a. The district will ensure all employees are aware of the risks of violence in the workplace and are properly trained and equipped to protect themselves.

#### 4.4 **Where might violence occur?**

The district recognizes that employees working with students with identified behavioural issues may be at risk of violence.

#### 4.5 **Steps to Eliminate or Reduce the Risk of Violence**

The District continually assesses the risk of workplace violence.

Where staff works with students with behavioural issues, behaviour plans will be developed and staff are trained on these plans.

The District has a District Crisis Response Team that has developed a Crisis Response Handbook. The handbook details procedures to follow if an intruder enters the building and the procedures to follow for a school lock down. Schools practice lockdown procedures throughout the year.

This policy will be reviewed with all staff at orientation.

Where employees work alone the working alone procedures will be reviewed with those employees. Employees must follow these procedures and administrators/supervisors must ensure that the plan is followed.

**The procedure for summoning immediate assistance if violence occurs or is likely to occur is to use the intercom, send someone to get assistance, or yell.**

#### 4.6 **Incident Reporting and Record Keeping**

1. Any worker in the District who feels they have been subjected to violence contrary to this policy must report the incident to their administrator/supervisor.
2. The administrator/supervisor must notify the Manitoba Workplace Safety and Health Division if the violent incident meets the definition of a “serious incident” which are defined as:
  - a. The death of a worker.
  - b. Where a worker suffers:
    - i. An injury resulting from electrical contact
    - ii. Unconsciousness as the result of a concussion
    - iii. A fracture of their skull, spine, pelvis, arm, leg, hand or foot
    - iv. Amputation of an arm, leg, hand, foot, finger or toe
    - v. Third degree burns
    - vi. Permanent or temporary loss of sight
    - vii. A cut or laceration that requires medical treatment at a hospital
    - viii. Asphyxiation or poisoning
  - c. That involves:
    - i. The collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation
    - ii. An explosion, fire or flood
    - iii. An uncontrolled spill or escape of a hazardous substance
    - iv. The failure of an atmosphere-supplying respirator.
3. The employee and the administrator/supervisor must complete a Violent Incident Report form for all serious incidents listed in 2 a, b, c. . The form must be completed for all incidents, whether the incident involved a threat or act of violence.
4. The administrator/supervisor will provide the original of the Violent Incident Report form to the Superintendent or designate as soon as possible.
5. All serious incidents must be investigated.

#### 4.7 **Incident Investigation**

When an incident of violence occurs or could reasonably be expected to occur, the District will take the following steps:

1. Serious Incidents
  - a. If the violent incident meets the definition of a “serious incident” as defined above, the administrator/supervisor will immediately notify the Workplace Safety and Health Division and the co-chairs of the Workplace Safety and Health District Committee.
  - b. The site of the serious violent incident must be secured.

- c. The Workplace Safety and Health District Committee co-chairs, the administrator/supervisor and any other persons required will complete an investigation into the incident using the Violent Incident Investigation Summary Report form.
- d. All information available and relevant to the violent incident will be provided to the investigation team.
- e. The investigation results will be summarized by the employer co-chair of the Workplace Safety and Health District Committee in consultation with the District Committee with copies of the report given to the administrator/supervisor, employee co-chair, Superintendent and Workplace Safety and Health District Committee.
- f. Any recommendations that may result from the investigation will be reviewed by the Workplace Safety and Health District Committee and the Superintendent.
- g. Any decision to implement any recommendations will be the decision of the Superintendent in consultation with the Workplace Safety and Health Committee and will be recorded in the minutes of the Workplace Safety and Health meeting.

## 2. Non-Serious Incidents

- a. The administrator/supervisor and any other persons required will complete an investigation into the incident.
- b. All information available and relevant to the violent incident will be provided to the investigation team if necessary.
- c. The administrator/supervisor will determine any corrective action required.
- d. The investigation results will be summarized by the administrator/supervisor with the original report given to the Superintendents' Department for distribution to the District's Workplace Safety and Health Committee.
- e. Any recommendations that may result from the investigation will be reviewed by the Workplace Safety and Health District Committee and the Superintendent.
- f. Any decision to implement any recommendations will be the decision of the Superintendent in consultation with the Workplace Safety and Health District Committee and will be recorded in the minutes.

### 4.8 **Assistance to Workers Subjected to Violence**

Employees who have been victims of violence may be:

- Encouraged to seek medical help from their healthcare providers or referrals for post-incident counselling, if required.

- Given the opportunity to be examined by a doctor and transported to a medical facility, if required.

The district has an Employee Assistance Plan that provides counselling and debriefing services for employees and their families.

The Violent Incident may require the employee (support staff) to file a report of injury with the Worker's Compensation Board.

## 5.0 **Annual Report**

Each investigation report will be included in the annual workplace violence report. The annual report on violence will be provided to the Superintendent and the Workplace Safety and Health District Committee no later than June 1 each year.

This policy is not intended to discourage or prevent the complainant from exercising any other legal rights.

## 6.0 **Guide To Investigating Violent Workplace Incidents**

### 6.1 **Investigation Concepts**

#### **Why do we investigate incidents?**

Investigations are an important part of addressing workplace violence. If a violent incident occurs in the district, we are required to conduct an investigation to determine the cause and the measures that will be put in place to prevent similar incidents from happening again.

Prevention is the purpose of an investigation. An incident investigation should:

- Determine what actually happened.
- Determine the cause or causes of the incident.
- Identify any unsafe conditions, acts or procedures.
- Help management to identify practical corrective actions.
- Determine whether **due diligence** was observed.

The purpose of these activities is not to find fault or lay blame, but rather to identify the basic causes of incidents so that controls can be put in place to prevent further occurrences. Information from the investigation should be put on the record, but not used to discipline anyone. This policy encourages witnesses to tell investigators everything they know.

## **What is Due Diligence?**

As a result of the 1978 court case of R. vs. Sault Ste. Marie, due diligence can be defined as: "... whether the accused exercised all reasonable care by establishing a proper system to prevent commission of the offence and by taking reasonable steps to ensure the effective operation of the system." Simply put, due diligence means taking all reasonable care in the circumstances to protect the safety and health of all workers. It must be expressed in behaviour and attitudes in the workplace; it cannot be made up "after the fact." The employer must be able to demonstrate their due diligence in an objective manner. A defence cannot succeed if the employer states that they intended to provide a safe and healthy workplace. The employer must give actual proof of real attempts to do so. The measures that will be necessary to prove due diligence in court will depend on the particular circumstances of each case.

## **Underlying Principles**

- Incidents don't just happen. They are caused.
- Incidents can be prevented if causes are eliminated.
- Causes can be eliminated if all incidents are investigated properly.
- Unless the causes are eliminated, the same situation will reoccur.

## **Procedure to Investigate Incidents**

There are many good reasons why supervisors and managers should investigate incidents and near misses. One of the most important reasons is that supervisors and managers are responsible for making sure any problems are corrected. In addition, Section 40 (10) (i) of the Workplace Safety and Health Act requires the workplace safety and health committee to participate in investigations of incidents.

## **The Administrator/Supervisor's Role**

The administrator/supervisor of the area where the incident takes place will investigate non-serious violent incidents and may be included in the investigation of a serious violent incident.

Since supervisors are responsible for worker training and activities on-the-job, they know the work assignments and have issues the work instructions. The administrator/supervisor is responsible for ensuring that appropriate preventative measures are taken and that those actions are effective in reducing or eliminating the possibility of recurrence.

## **Safety and Health District Committee Representative**

The co-chairs of the workplace safety and health district committee will participate in the investigation of serious violent incidents.

### **Experts**

Depending on the circumstances, persons with expertise may be called upon to be involved or actually conduct the investigation.

## **6.2 What Incidents Should Be Investigated?**

All violent incidents will be investigated.

Serious violent incidents will be investigated by the co-chairs of the workplace safety and health district committee with the involvement of the administrator/supervisor.

Non serious violent incidents should be investigated by the administrator/supervisor.

## **7.3 Incident Causation**

**The Direct Cause** – What was the direct cause of the incident? (What caused the injury?)

**The Indirect Cause** – What were the root or hidden causes that led to the incident? (What caused the incident?)

**Five Factors to Determine Indirect Causes** – To identify the indirect causes of an incident examine the obvious and underlying factors in the chain of events which took place prior to and during the incident.

**The Task** – The actual work procedure being used at the time of the incident. Review the steps of the job, method of performing the task, any change to the normal method of performing the task, limitations, and how and why it is performed that way.

**Equipment** – If applicable, review the design of equipment and how it was used by the workers in terms of design of equipment for use by workers, body positions to work.

**The Worker(s)** – Consider the factors that affect the worker(s) when performing the task such as:

- Job requirements

- Experience and training
- Physical capabilities
- Emotional status at the time of the incident (tired, stressed, interactions with other workers, labour management issues, hours of work).

**The Management** – Management is legally responsible for the safety and health of workers and therefore the role of management must always be considered in an investigation. Review such factors as: the safety and health rules (standards) in effect, how were they enforced, type of supervision provided, behaviour plan, incident reporting policies and first aid policies.

**The Environment** – The physical workplace environment, as well as sudden changes to that environment, are factors that need to be identified. Keep in mind to assess the environmental factors **at the time of the incident**. Factors to consider include: weather conditions, housekeeping, the layout of machinery and storage areas, lighting, visibility, ventilation, temperature, noise, vibration, gases, dusts and fumes.

#### 6.4 Investigation Steps

Investigations must take place as soon as possible. The process of investigating an incident involves gathering evidence, analysing it then making recommendations in a written report.

##### **STEP 1- Preparation**

As little time as possible should be lost between the incident event and the beginning of the investigation. The ideal situation would be to have all the necessary resources available before the incident so that the investigator(s) can attend immediately to their tasks. Some interim factors to consider include:

#### **Determine the Scope of the Investigation**

Every incident is unique and requires an investigation tailored to the particular situation. Take the time up front to determine the techniques that will be employed, sequence of events, data to be analysed, individuals involved and expected outcomes. Factors to consider include:

What resources are needed to perform the investigation:

- Staff, equipment, budget and time.

#### Investigation Kit:

- Investigation checklist, investigation form
- High visibility tape, measuring tape, clipboard
- Pencils, pens, notepaper, graph paper
- Camera/video camera with film/tape
- Plastic bags and envelopes
- Flashlight, ruler

#### Safety Equipment:

- Hard hat, eye protection, hearing protection, protective clothing, and safety footwear.

#### What will be deliverable (output)?

- Internal report
- Communication to the media, workers, union, associations, legal obligations

#### What is your attitude regarding the investigation?

- You must be seen as sincere, impartial and knowledgeable (in terms of the techniques of conducting an incident investigation).
- It is important that you exhibit a behaviour of non-judgement and diplomacy.
- Much of the success of the investigation depends on your attitude, approach and communication style.

#### Some tips to consider:

- Biases (individual, team, others?)
- Your experience and skills (how it affects your perception)
- Avoid jumping to conclusions
- Use appropriate voice tone
- Minimize stress wherever possible
- Be aware of your non-verbal communication (e.g. facial expressions, gestures)
- Behave professionally (representative of your company's safety and health culture, courteous, open, honest, candid, non-threatening)

### **STEP 2- Visiting the Scene**

Speed and thoroughness are both necessary in incident investigations. Memories fade and evidence disappears.

**Take Control** of the situation and make the area safe for yourself and any others entering the scene. Consider any imminent risk situations (e.g. moving equipment

in order to secure the scene). It is imperative that management be notified immediately of the incident, injured parties, damaged material and equipment and any requests to shut down operations to secure the area. Chaos may result from an incident and people may be in a panic. The situation must be brought under control at once in order for rescue work to proceed. Secondary incidents (such as fires, equipment or structural failures) may result from the initial incident. These hazards should be controlled as soon as possible.

**Care for the injured** – First aid and medical attendants **should be called to care for the injured immediately**. If chemicals are involved, ensure that copies of the material safety data sheets (MSDS's) are provided to the hospital with the injured.

**Secure the Area** – To protect evidence and to avoid further injuries or damage, people should be kept out of the incident scene until the investigators arrive (except to relieve suffering). One method is to rope off the area and notify management that the incident scene is non-accessible.

**Contact Appropriate People** – If the violent incident is serious, Workplace Safety and Health must be notified immediately, as well as the co-chairs of the district committee. Also, the family of the injured worker should be contacted with care.

**Gather Names and Addresses of Eye Witnesses** – Inquire with those at the incident scene and management staff as to who witnessed the incident. Obtain the witness(es) name(s), address(es), and phone number(s), and make a point of contacting them for an interview as soon as possible.

**Sketch the Scene and Take Measurements** – To improve the usefulness of field notes, sketch the scene and measure the area. Note and map the positions and condition of the injured workers, tools, equipment and materials involved, safety devices and personal protective equipment, machinery and equipment controls and anything else of value.

#### **Tips on Sketching**

*Place the important information in the centre of the drawing and draw the rest around it.* Include all measurements, angles, and direction indicators taken at the site. Include the final positions of casualties and debris. Do not worry about making drawings to scale or creating artistically perfect drawings. Attempt to draw each item correctly related to the other items present. Label items correctly. Cross reference your sketches and photographs to applicable files and occupational safety and health committee minute forms.

**Photographing** – Photographs and video recording aid in preparing and delivering your report as well as analysing conditions at the site of the incident. Photos and video are also useful when briefing the stakeholders such as the management team and Safety and Health Committee. Photographs and video recordings should

always be taken as soon as possible. Below are some techniques useful in taking photographs at incident scenes:

- Start by photographing the general area then move to the specific scene of the incident.
- Take photos from all sides and several angles, as well as close up and isolation shots.
- Ask witnesses to direct where shots should be taken and note their comments.
- Create a photo log which includes when the shot was taken (date and time of day), by whom, location, under what lighting conditions, what the shot contains, identifying number on a sketch of the area, brief description of what the photograph is trying to identify.
- Store the pictures in plastic photographic file pages in a binder beside relevant notes and sketches. Cross reference photos with the location of physical evidence and relevant notes.
- When video recording, narrate the pertinent points identified above.

**Collecting Evidence/Samples** – Depending on the incident, you may want to take one or more samples of evidence found at the incident scene, which may require examination by qualified personnel. (The decision to utilize experts to collect evidence should be exercised, e.g. handling controlled products or analysis of engineered systems). An investigator must ensure that s/he exercises caution when handling evidence for two distinct reasons:

- To protect themselves against harm from handling evidence such as damaged equipment or chemical substances, one should assess the need to wear personal protective equipment.
- To preserve the evidence, care should be taken to maintain the original state of the evidence.

Since liquids can evaporate quickly and other materials may be cleaned up before you can get a sample, it is very important to take your samples as soon as possible. Examples of things you might want to sample include:

- Air samples or other samples, if the presence of impurities or toxic substances many have contributed to the incident.
- Liquids or solids which are not normally present at the site of the incident.

Carefully wrap and label everything in clean, dry and leak proof containers. Note where each specimen came from and what the initial appearance was like. Avoid destroying or altering exhibits during examination. Note the environment (e.g. noise, heat, cold, ventilation and chemical contaminants). Find out what the weather conditions were at the time of the incident, if applicable.

Note: If a serious incident occurs at the workplace, a Safety and Health Officer may conduct an incident investigation. The Officer will require that items involved in the incident (e.g. equipment, materials) not be moved unless it is necessary to release an injured person or to avoid creating additional hazards.

**Return the Scene to Normal Use** – Once you have gathered all the evidence and information needed, ensure that the incident scene is returned to normal use. This may involve disinfecting the area if blood was spilled, checking equipment and materials to assess functionality, and ensuring that the incident will not be repeated. If a process or piece of equipment needs to be stopped until further examination proves its effectiveness, notify management immediately to cease operation.

### **STEP 3 – Conducting Interviews**

One of the main methods of gathering information in an incident investigation is by interviewing people who were at the incident scene. Conducting interviews is an important part of collecting information to understand what happened. Depending on the circumstances, you may be able to interview the complainant and the person alleged to have threatened or committed an act of violence, as well as witnesses to the incident. Interviews should also be conducted with anyone who can give relevant information, even if they were not present.

Examples include: a teacher who reviewed a behaviour plan with an educational assistant (even months earlier) or a worker who performs the same job as the injured worker. Information presented here will aid you in establishing a framework for the overall process. The amount of openness that develops during an interview depends a great deal on the rapport and atmosphere established during the initial contact.

**Categorize Witnesses** – There are several categories of witnesses who could have information helpful to determining the causes of an incident:

- Eyewitnesses – those who actually saw the incident happen or were involved in the incident
- Those who came on the scene immediately after the incident
- Those who saw events leading to the incident
- Those who may have other information about the incident
- Consider the expertise, background and credibility of each witness
- Consider where they were when the incident occurred

**Interview Witnesses As Soon As Possible** – To obtain as untainted a version of the story as possible, witnesses should be interviewed as soon as practicable after

the incident. If interviews are not done quickly, memories of witnesses may fade and information becomes distorted. If witnesses have an opportunity to discuss the event among themselves, individual perceptions may be lost in the normal process of accepting a consensus view where doubt exists about the facts. For this reason, **witnesses should be separated as soon as possible**. Witnesses should be interviewed individually rather than in a group, preferably at the scene of the incident where it is easier to establish the positions of each person involved and description of the events. If necessary, conduct more detail interviews later as evidence, such as photographs, become available.

Inform all persons about the investigation procedures and why they are being interviewed, what will be done with the information and who may receive a copy.

Explain that the district will not permit any retaliation against the complainant and that if the person alleged to have threatened or committed an act of violence, or other persons tries to do so there will be disciplinary action.

It is also important to remind all persons interviewed that confidentiality must be maintained.

### **An Option – Witnesses Own Account of What Happened**

If witnesses are under stress or you cannot speak to each one immediately, ask each to go into a separate room and write out what they saw happen during the incident in their own words. Interview each witness afterwards. Read each person's statement back and clear up uncertainties. When you are satisfied that you have all the necessary information, ask each witness to review and sign their statement. Compare your interviews against those of other investigators (such as police or reporters from the media) if this information is available. This method can serve as an effective means for information gathering since individuals will jot down their own ideas in their own words, without influence of an interviewer or other witnesses. It does depend on how thorough one is when writing out their story, which will vary from person to person.

### **Consider the Emotional State of Witnesses**

Witnesses may be feeling any number of emotions (e.g. anger, sadness, stress, fear) which can hinder the investigation and may adversely affect other persons involved. Be aware of each person's physical and emotional state and proceed with empathy and understanding to put each witness at ease. Common causes for discomfort include:

- Fear (e.g.- of being blamed, punished, evaluated)
- Past wrong doings – or perceptions thereof
- Concern about releasing information
- Interviewer not at ease

- Incomplete knowledge of the topic
- The interview location (e.g. privacy or lack thereof)

### Interview Questioning – The W5 Method

The W5 method uses the questions what, who, where, when, and why/how to find out what happened and determine the causes of the incident. Examples include:  
Can you tell me.....

- **WHAT** happened?
- **WHO** was involved in the incident? (Victim, Witnesses, Supervisor)
- **WHERE** did the incident occur?
- **WHEN** did the incident happen?
- **What + Who + Where + When = WHY/HOW?**
- **WHY** and **HOW** did the incident happen?

Use the W5 method to plan interviews as well as to collect and analyse evidence.

### The Opening of the Interview

It is said that people make judgements within the first few seconds of meeting someone. Take the time at the beginning of the interview to put the witness at ease, to begin slowly and listen closely and carefully. This gives the individual a chance to formulate the story in their own mind and gives you a preview of what they know.

### Use Open Ended Questions

While you may want to use “yes” and “no” questions to break the ice at the start of the interview, proceed with open-ended questions to obtain each person’s version of the incident. A series of structured questions may also work, such as:

- What, when and where did the incident happen?
- Who was present?
- Who said what to whom?
- Was the incident an isolated event or part of a pattern?
- Is there anyone else who might have relevant information?
- Tell me about.....
- What did you see, hear?
- Where were you at the time?
- Explain how this task is done?

Ask questions to get more information as required. Use visual aids (photographs, sketches and illustrations) to help witnesses recall information and clarify important points. Consider asking witnesses to draw a sketch.

**Some Pitfalls to Avoid:**

Don't:

- Ask leading questions (e.g. "Didn't you think that...")
- Intimidate the witness (e.g. alarming or discouraging remarks such as, "Well that was a stupid thing to do....")
- Interrupt the witness
- Convey your judgments

**Witness Statements/Taking Notes** – It is important that you document pertinent information from the witnesses for your own reference. Whenever possible have the people being interviewed write their own reports. If this is not possible one of the co-chairs will conduct the interview and the other will take notes. Go over your notes with the witness to ensure they agree with your interpretation. Have the interviewee sign the statement. All interviews and notes are to be attached to the final report.

Use judgement if you are considering the use of a tape recorder as it tends to impede rather than contribute to information gathering. People are inclined to withhold information for fear of saying the wrong thing, particularly if they know it's being captured word for word on a recording device. If you must use a tape recorder, clarify why you need to use it and how the information will be used.

**Dealing with Conflicting Statements**

It is normal for statements to conflict. People see things differently and may remember events differently. Each witness likely saw the incident from a slightly different angle. Opinions and perceptions differ. Avoid accepting opinions as fact until you have all the evidence.

**Ending the Interview**

End the interview on a positive note by expressing appreciation to witnesses and others who aided you in gathering information. Encourage the witness to contact you at a later date should they think of something else. Give credit if an individual's ideas are used later. Reiterate the goal of the investigation (prevention) and what will be done with the information you gather.

**STEP 4 – Examination of Physical Evidence**

As noted under the section "Visiting the Scene", collecting evidence/samples will be one of the first steps in an incident

investigation. Once you have collected evidence, you will need to examine it closely in order to draw conclusions about what happened. This may involve sending the evidence to an expert for analysis (e.g. engineer, health professional, manufacturer). Physical evidence found at the scene is usually more reliable than evidence obtained from your witnesses. Ensure to:

- Examine all physical evidence thoroughly (e.g. condition of equipment).
- Have equipment tested for malfunction by qualified personnel.
- Obtain the relevant specs for the equipment.
- Review written documentation (e.g. MSDS, Manufacturer's specs). Broken equipment, debris, and samples of materials involved may be removed for further analysis by appropriate experts. Make notes which will identify exactly where these items came from.

**Written Documentation** – An often overlooked source of information can be found in documents such as past incident reports, W.C.B. claim records, maintenance reports, safety and health committee minutes, formalized safe work procedures and training records. Any pertinent information should be studied to consider how the information relates to the incident and ultimately, to prevent recurrence.

## **STEP 5 – ANALYZING THE EVIDENCE**

Once the evidence (witness accounts, documentary or physical) has been gathered, you are ready to begin analysis. By this stage, you should know how the incident happened and what the immediate causes were. Use this information to determine why the incident occurred. Usually the fundamental causes can be found by simply asking “why”. To prevent recurrences of similar incidents you must find all possible answers to this question.

All causes of an incident must be considered for analysis. Be sure to keep an open mind to all possibilities and seek out all pertinent facts. If there are gaps in your tracing or sequence of events, you will need to fill these gaps by the necessary means (e.g. re-interviewing witnesses). If this is not possible, you may need to develop a “best guess” scenario that can be supported by the majority of facts you gathered during your investigation.

**To Find the Root Cause** – Write out the events of the incident, step by step. Recall the five factors identified under “Incident Causation”. Consider the sample questions within each of the following factors;

**These are questions intended for the investigator to assess root causes. They should not necessarily be used for witness interviews since they could intimidate the witness.**

**Task – The work procedure used at the time of the incident**

- Was a safe work procedure used?
- Had conditions changed to make the normal procedure unsafe?
- Were the appropriate tools, materials available?
- Were they used?
- Was all of the required personal protective equipment available?
- Were inherent safety devices, alarms or other systems in place?
- Were all backup safety devices or systems in place?
- Was the task structured to encourage/discourage safe work practices or procedures?

**Material/Equipment – Causes brought about by the equipment or materials used**

- Was there an equipment malfunction or failure?
- What caused it to fail?
- Was the material or equipment substandard in some way?
- Was personal protective equipment used? Should it have been?
- Were hazardous substances involved?
- Were tools, machinery and equipment being used correctly? (Check manufacturers specifications for operating tools, machinery and equipment as well as any other applicable standards)
- Were tools or machinery modified in any way?

**Worker(s)** – The factors related to workers include individual experience, skills and abilities as well as one’s physical capabilities, and emotional state at the time of the incident. Your inquiry of a worker is not to place blame, but to uncover the factors they experienced at the time of the incident. Consider the following questions:

- Were workers aware of the standards, practices, procedures or legislation governing the activity?
- Were workers adequately trained to do the task in question according to standards, practices and procedures prescribed?
- What training had the worker received?
- What experience did the worker have to do the task?
- Was the worker physically capable?

- Were judgement, health and/or ability impaired for any reason? (e.g. Were they tired? Rushed? Stressed? Using medication?)

**Management** – The employer is responsible for ensuring the safety and health of workers at the workplace and is therefore responsible for the policies, procedures and rules on the job. This also includes enforcing the policies, procedures and rules. Management staff (managers, supervisors, lead hands, etc.) must always be considered in an incident investigation since they are responsible for providing direction and supervision.

- Were the hazards which led to this incident known to supervisors?
- Were standards, practices and procedures developed and implemented to overcome these hazards?
- Were supervisors aware of the standards, practices, procedures or legislation governing the activity?
- Were safety and health rules in effect?
- Were they being enforced?
- Was adequate supervision given?
- Was regular maintenance of equipment carried out?
- Were unsafe conditions corrected?

**Environment** – The physical environment, and particularly sudden changes to that environment, are factors which need to be identified. It is important to note the situation at the time of the incident.

- What were the weather conditions?
- Was it too hot or too cold?
- Was noise a problem?
- Was there adequate light?
- Were toxic gases, dusts, fumes present?

List all possible causes within each category. It is important to remember that no one element in an incident (Task, Materials/Equipment, Workers, Management or Environment) stand alone. Each of these elements must be analysed in its relationship to the others.

Use the W5 method as described under “Conducting Interviews” to analyse the influence of everything involved in the incident. Usually the fundamental causes can be found by simply asking “why?” Use photographs and drawings to illustrate important points.

## **STEP 6 – PREPARING THE REPORT**

If the investigation is of a serious violent incident the employer representative of the district committee must summarize the information into an investigation report. The investigation report must

be developed in consultation with the district committee. The intent of the report is to effect change. If after an investigation there are no recommendations or actions taken to improve the safety and health at the workplace, it is likely incidents will continue to happen and workers will feel a sense of irresponsibility on the part of the employer and Safety and Health Committee. A succinct report detailing specific recommendations is critical to the effectiveness of prevention at the workplace. The report should be written with consideration as to who is the target group that will be reading the report.

## **Report Format**

### **Part I – Particulars**

- Injured party information
- Where and when the incident occurred
- Damaged property/material information
- First aid response

### **Part II – Description of the Incident**

- Description of what happened, in detail

### **Part III – Evidence**

- Sketch of the incident scene
- Photographs, diagrams and physical evidence
- Persons with information and statements

### **Part IV – Incident Causation**

- Direct and Indirect causes of the incident
- Five factor analysis

### **Part V – Corrective Action**

- Immediate and long term corrective actions
- Target completion dates

### **Part VI – Report Review**

- Who prepared the report and when it was prepared
- Report distribution list
- Signatures of the Safety and Health Committee Co-Chairs

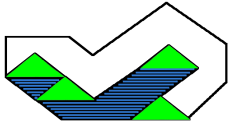
**Discuss the Report** – Once the report is complete, it will be discussed at the Safety and Health District Committee meeting. The causes of the incident will be reviewed and each recommendation debated. Each conclusion and recommendation must be supported with evidence. Where the investigator has used the “best guess” scenario to fill in the gaps, be prepared to offer reasons why

those conclusions were drawn. Consider things the committee can do. The incident may point to weaknesses in the activities of the committee (such as its inspection program). These activities should be reviewed in light of the evidence.

**Finalize the Report** – If necessary, the report should be reworked to deal with the concerns of the committee members. When the committee is satisfied with the final version of the report, both co-chairpersons should sign it. It should then be sent to the Superintendent for corrective action. The committee should assign members to follow up.

### **What Action Should the District Take?**

The District has a duty to promptly respond to the report and advise the committee in writing of the remedial actions taken. The committee should list these corrective measures and follow up on them. A summary of the incident report should be posted in the workplace for the information of workers. A copy of the report should also be kept in the committee's files and available if requested by the Workplace Safety and Health Division. Note: Names of individuals involved in the incident should be omitted from this version.



## Violent Incident Report

### Steps to follow filing a complaint – details in Section 8.0 Safe Schools- 7.0

1. Submit Violent Incident Report form to school principal or designate.
2. Administrator/Supervisor signs form and forwards to Superintendent's Department and WSH co-chairs with names blacked out.
3. Administrator/Supervisor completes a Violent Incident Investigation Summary Report and forwards it to Superintendent's Department if it meets criteria for physical assault.

### Identifying Information (Complainant)

Name \_\_\_\_\_ Position \_\_\_\_\_

Contact Number \_\_\_\_\_ Address \_\_\_\_\_

School/Department \_\_\_\_\_

Location of Incident \_\_\_\_\_

Date and Time of Incident \_\_\_\_\_

Type of Assault

- Verbal
- Hit
- Pushed
- Other \_\_\_\_\_

Add additional information on the nature of the assault, as appropriate (e.g. struck with ....., bitten, etc.) \_\_\_\_\_

Describe the incident (what happened) \_\_\_\_\_

Was medical attention/first aid obtained?

- Yes
- No

**Information of the Individual with whom the incident occurred (Respondent)**

Individual's name and/or position, if known. \_\_\_\_\_  
 \_\_\_\_\_

Description:

- Male
- Female

Age: \_\_\_\_\_ Complexion: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Other: \_\_\_\_\_  
 \_\_\_\_\_

**Witness Information**

Number of Witnesses: \_\_\_\_\_

Witness(es)'s Name (s) and Position (s), if known. If not known include a description.  
 \_\_\_\_\_  
 \_\_\_\_\_

Other: \_\_\_\_\_

- There were no witnesses.

**General Information**

Was this incident reported to the supervisor?      Yes      No

Was this incident reported to the police?      Yes      No

Have you initiated an investigation?      Yes      No

Name of Supervisor: \_\_\_\_\_

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Complainant

**School Principal/Director Acknowledgement of Complaint**

The Violent Incident Report was received on the date noted below. It will be reviewed and investigated, the respondent will be informed and the complainant will be provided with my written findings and conclusions as per policy.

\_\_\_\_\_

Date

Signature of Administrator/Supervisor

**Written Finding and Conclusions:**

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Investigation Complete

Violent Incident Investigation Summary Report will be completed

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

Original to: Superintendent's Department  
Copy filed: Co-chairs WHS, School Principal

## WORKPLACE SAFETY AND HEALTH COMMITTEE

### VIOLENT INCIDENT INVESTIGATION SUMMARY REPORT

School/Location: \_\_\_\_\_

- Potential for Serious Incident
- Serious Incident \*
- Non-Serious Incident

Date and Time of Incident: \_\_\_\_\_

**Investigators:**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

**\* Serious Incident is defined as follows:**

1. The death of a worker.
2. Where a worker suffers: an injury resulting from electrical contact; unconsciousness as the result of a concussion; a fracture of their skull, spine, pelvis, arm, leg, hand or foot; amputation of an arm, leg, hand, foot, finger or toe; third degree burns; permanent or temporary loss of sight; a cut or laceration that requires medical treatment at a hospital; asphyxiation or poisoning.
3. That involves: the collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation; an explosion, fire or flood; an uncontrolled spill or escape of a hazardous substance; or the failure of an atmosphere-supplying respirator.
4. Workplace Safety and Health Division of Manitoba Labour and Immigration must be informed as quickly as possible following the incident. To report a serious incident contact WSH at 204-945-3436, 204-945-0581 (after hours).

### PART 1 – PARTICULARS

Name of Complainant:

\_\_\_\_\_

First Name

Middle Name

Last Name

Home Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Occupation / Job Title: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

\_\_\_\_\_

Nature of Violent Incident: \_\_\_\_\_

\_\_\_\_\_

Supervisor's Name:

\_\_\_\_\_

First Name

Middle Name

Last Name

Did the incident involve property damage?

Yes

No

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

Did the violent incident involve injury:

Yes

No

Was first aid rendered:

Yes

No

If yes, by whom? (If outside emergency assistance was required, provide details)



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**PART III – EVIDENCE**

**Sketch of Incident Scene:**

**Describe physical evidence collected:** \_\_\_\_\_

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**Photo / Video Evidence: (List and describe photos and videos)**

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**PART III – EVIDENCE (CONT'D)**

**Persons with Information – Statement Summary:**

**Name:**

\_\_\_\_\_

**First Name**                      **Middle Name**                      **Last Name**

**Date Interviewed:** \_\_\_\_\_ **Occupation:** \_\_\_\_\_

dd/mm/yy

**Did you witness the incident:**

**Yes**

**No**

**Name of Interviewer:** \_\_\_\_\_

**Summary of Statement:** \_\_\_\_\_

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**Name:**

\_\_\_\_\_

**First Name**                      **Middle Name**                      **Last Name**

**Date Interviewed:** \_\_\_\_\_ **Occupation:** \_\_\_\_\_

dd/mm/yy

**Did you witness the incident:**

**Yes**

**No**

**Name of Interviewer:** \_\_\_\_\_

**Summary of Statement:** \_\_\_\_\_

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**PART IV – INCIDENT CAUSATION**

What was the DIRECT CAUSE of the incident? (What caused injury or damage?)

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What were the INDIRECT CAUSES? (What caused the incident?)

**TASK:**

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**WORKER(S):**

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**MATERIAL / EQUIPMENT:**

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**MANAGEMENT:**

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**ENVIRONMENT:**

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**PART V – CORRECTIVE ACTION**

**Immediate corrective actions to prevent recurrence:**

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**Target date for corrective action:** \_\_\_\_\_  
dd/mm/yy

**Long term solutions:**

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**Target date for corrective action:** \_\_\_\_\_  
dd/mm/yy

**PART VI – REPORT REVIEW**

**Signature of Investigator(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date report completed:** \_\_\_\_\_

**Distribute Report to:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signatures of Co-Chairpersons – Safety and Health Committee:**

\_\_\_\_\_  
**Employer Co-Chair / Date**

\_\_\_\_\_  
**Worker Co-Chair / Date**

**Original to: Superintendent's Department for distribution to Liaison  
Superintendent and WSH District Committee**