

PROTOCOL FOR OTBU MEMBERS AFTER ASSAULT IN THE WORKPLACE

What is assault?

Assault is an act of verbal aggression, or an act or threat of physical aggression, which produces damaging or hurtful results.

What to do when assaulted?

1. Immediately report the incident to school administration and the police.
2. Immediately seek medical attention, if necessary. Only medical attention from a doctor who fills out a "Form 8" is recognized for WSIB purposes.
3. Notify the OTBU office via telephone (416-423-3600) or e-mail (otbud12@sympatico.ca).
4. Document what took place before, during, and after the assault and include names of witnesses.
5. Fill out the:
 - ✓ **TDSB "JOINT HEALTH AND SAFETY COMMITTEE VIOLENT INCIDENT REPORTING FORM"**
 - ✓ **TDSB "EMPLOYEE'S REPORT OF ACCIDENT INJURY" IF NECESSARY**
 - ✓ **TDSB "HEALTH AND SAFETY CONCERN FORM" IF NECESSARY**
 - ✓ **TDSB "SAFE AND CARING SCHOOLS INCIDENT REPORTING FORM"**

Who investigates?

- Your OSSTF OTBU Health & Safety Representatives.
- Joint Health & Safety Committee,
- Employer.
- Police, and Ministry of Labour, if required.

What legal procedures can be followed?

- If the police have not been notified, the assaulted Member should do so in a timely fashion.
- The Workplace Safety & Insurance Board (WSIB) will take action against assailants. The injured worker must sign a document giving the WSIB the right to seek restitution for payments made to victims of workplace violence.

When can you refuse unsafe work?

- The Occupational Health and Safety Act gives most workers the right to refuse work due to violence (Bill 168) and if the physical condition of the workplace is likely to endanger them. [Section 43(3)(b)]
- This Act also requires all workers to work in a safe manner that will not create a condition endangering themselves or other workers. [Section 28(2)(b)]
- Refer to Provincial OSSTF's Health and Safety Information Bulletin at www.osstf.on.ca "Right to Refuse Work" for correct procedure and programme exceptions.

What prevention measures can be taken?

- All workers have a right to a safe and healthy workplace. The responsibility for providing and maintaining this safe workplace belongs to the employer.
- All workers have the Right to Know about hazards in their workplace and safe procedures. The employer must provide training programs to all workers to enable them to identify any hazard in their workplace and to perform their work in a safe manner. This should include potentially violent situations and the necessary prevention techniques. Training programs must be developed and implemented in consultation with the Joint Health & Safety Committee.
- Where a potentially violent situation has been identified and cannot be eliminated, specific protective measures should be developed. This usually involves modifying existing practices or written procedures to conform with the board's Violence-Free Policy (required by the Ministry of Education) in consultation with the Joint Health and Safety Committee. Bottom of Form