Health and Safety

It has come to the attention of the Union that many of our members have not been given accurate information regarding the completion of the Incident Report Form and their obligation to report Occupational Violence under the Health and Safety Act.

Q: What is the definition of Workplace (Occupational) Violence?

A: **Workplace violence** is defined in the OHSA (Ontario Health and Safety Act) as the exercise or attempted exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

This definition of workplace violence is broad enough to include acts that would constitute offences under [*Canada's Criminal Code*](http://laws-lois.justice.gc.ca/eng/acts/C-46/).

Q: What is the difference between “Struck By” and “Occupational Violence” on the Incident Report Form?

A: The term “Struck By” is reserved for those instances of accidental contact between the worker and the person or item doing the striking. For example: being hit by a ball thrown during the course of play out in the playground, but without intent of hitting anyone.

“Occupational Violence” is defined in the first answer above. It does NOT consider the person’s (student’s) capacity to understand the violence and intent. Do not let the employer decide – your report, your decision.

***Remember***: The employer conditions us to respond the way they want us to respond. They will tell you the student did not mean it, but it is still violence and must be reported.

If you are asked, “Are you sure that needs to be reported?” “YES”.

The answer is always “Yes”.

Q: Should Casual employees be reporting Incidents in the workplace?

A: Absolutely. Under the Health and Safety Act, it is the responsibility of every worker to report incidents and hazards in an attempt to make the workplace safe.

**\*\*\***If you witness a casual worker or a permanent worker being the target of workplace violence, **you** can report the incident as part of the risk/hazard in your workplace.

Q: Should Incident Reports be completed during paid work time?

A: Absolutely. If you get hurt during paid work time, then you need to complete the report during paid work time.

Q: How many incidents should be reported on one incident report?

A: ONE only. If you report more than one, it will still be counted as one when it is received by the employer. If you are hit three times during the day, complete three reports (*all during work time*). Report any issues to the Local.

**ALL INCIDENTS IN THE WORKPLACE, NO MATTER HOW MINOR, MUST BE REPORTED**

It is the responsibility of each worker to report violence at work. If you are hit, kicked, bitten, pinched, scratched, threatened or any other action that results from contact between a student and you, report the incident as ***Occupational Violence.*** The description of “struck by” is reserve for accidental contact between you and a student or object only.

Once the report is completed online, print it, have your supervisor sign it and then FAX THE REPORT TO HEALTH AND WELLNESS as per the direction on the front of the report. Fax a copy to us at 519-679-3898 ***Keep the signed copy for your own files.***

If you do not agree with something written on the form, indicate as such on the form before you sign and fax it. Call the office (519-679-4186) or CUPE cell (519-318-4186) if you have any problems or questions.