

## 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 your Supervisor and the police.
2. Seek medical attention, if necessary.
3. Notify your OSSTF/FEESO Bargaining Unit President and Health and Safety Officer.
4. Document what took place before, during, and after the assault-include name(s) of witnesses.
5. Fill out the employer incident report(s) and OSSTF/FEESO incident report(s) (where they exist). If a student was the aggressor, fill in the safe schools incident reporting form.
6. Complete a WSIB form 6, have your health care provider complete a WSIB form 8 and ensure the employer completes a WSIB Form 7 with the Workplace Safety and Insurance Board (WSIB) to claim workers' compensation.

## What assistance can you get?

- The employer should provide, at its expense, any legal, medical and counselling assistance required and transportation to the hospital.
- Your OSSTF/FEESO Health and Safety Officer and Bargaining Unit President will provide investigation support and representation.

## Who investigates?

- Your OSSTF/FEESO Health and Safety Officer, worksite Health and Safety Representative(s) and Bargaining Unit President (depending on the type of investigation required).
- Joint Health and Safety Committee (JHSC).
- Employer.
- Police and Ministry of Labour, Training and Skills Development (MLTSD), if required.

## What legal procedures can be followed?

- If the police have not been notified, the assaulted Member should do so.
- The Workplace Safety and Insurance Board (WSIB) can approve claims for Loss of Earnings (LOE) benefits.

Note: You, your Bargaining Unit/District Health and Safety Officer or President may seek advice and/or legal counsel through our Provincial Office in the event of an assault on an OSSTF/FEESO Member. Call 1-800-267-7867 and ask for your Protective Services Field Secretary.

## When can you refuse unsafe work?

- The *Occupational Health and Safety Act* gives most workers the right to refuse work if the physical condition of the workplace is likely to endanger them, [Section 43(3)(b)], or if the employer has not provided information and instruction on the employer program. [Section 32.05(2)]
- 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 our Information Bulletin *The Right to Refuse – It's the Law, Use it!* for correct procedures and 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 should be developed and implemented in consultation with the JHSC.
- 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 to the employer's violence prevention policy (required under the *Occupational Health and Safety Act*).