

Keeping Safety TOP of MIND

Worker Loses Fingers, Despite Weeks of Missing Saw Guard WorkSafeBC Assigns Substantial Penalty

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**Employer Fined \$150,000
After Worker Paralyzed
from High Fall
Faulty Guard Rail Identified
as Known Issue**

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by

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BCPVPA Director of Member

Health & Well-Being

Prevention

Occupational Health and Safety legislation, guidelines, and management systems all exist to – ideally – prevent injuries. WorkSafeBC takes it seriously when there are known risks in the workplace that are not being addressed. This relates to *both physical and mental injuries*...

The examples in our news headlines are serious violations of known, unaddressed risks that resulted in life-changing injuries.

- Known
- Unaddressed
- Life-changing

In our daily responsibilities as school leaders, the

safety of students and staff is a key priority. We seek to know where there are risks, and we take action to address them with an awareness of the dire consequences and significant liability involved. The goal is for everyone to return home at the end of the day in an equal or improved condition as when they arrived in the morning.

And that statement, applies to YOU as well.

Three Forms of Mental Injury at Work

Principals and Vice-Principals in the public education sector are exposed to many forms of psychological safety risks. We will focus on three types of WorkSafeBC cases that the BCPVPA has witnessed this past year.

Concern #1 – Bullying and Harassment

- Members' exposure to extreme, erratic, and unpredictable parent behaviour, directed towards both staff and school leaders
- Members experiencing defamation of their reputation and bullying on social media

Concern #2 – Violence in the Workplace

- Members' exposure to emotionally dysregulated children causing repeat incidents of direct physical harm, threats, property damage, and injuries to others who are within their scope of responsibility
- Often in these scenarios, the physical injuries heal, but the repeated exposure puts the nervous system on constant alert; over time, this can result in a mental illness

Concern #3 - Trauma

- Members' exposure to primary, secondary, or even tertiary trauma
- Direct trauma may occur in situations where members are exposed to assault, serious injury, or even death threats. Some may attend court cases as a witness to criminal behaviour, even gang activity
- The trauma exposure could also be secondary or tertiary when dealing with children and families and, in these scenarios, it can be similar to second-hand smoke: exposure to another's trauma does impact our own nervous system

In 2019, the Workers' Compensation Act in BC expanded the definition of a mental disorder from exposure to direct trauma to other forms of exposure.

Below is an excerpt from Section 5.1 of the Workers' Compensation Act (*emphasis added*):

...a worker is entitled to compensation for a mental disorder ... if the mental disorder ... **[arose] out of and in the course of a worker's employment**, ... and only if all of the following apply:

(a) the mental disorder is either

(i) a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or

(ii) predominantly caused by a significant work-related stressor, including **bullying or harassment**, or a **cumulative series** of significant work-related stressors...

(b) the mental disorder is **diagnosed by a psychiatrist or psychologist**

(c) the mental disorder is **not caused by a decision of the worker's employer** relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment.

In Section 5.1 (a) (i) above, the definition states mental injury can be caused by a reaction to one or more traumatic events, and (ii) discusses a series of cumulative, significant work-related stressors. This is where, under the Workers' Compensation Act, violence in the workplace would be considered.

Violence comes in many forms.

- Verbal and physical, from parents, students, community members, and staff
- The cases seen this past year have been with members exposed to violent behaviours from dysregulated children that have resulted in physical and/or mental injury.

We are sensitive to the narrative regarding using the word 'violence' when discussing the behaviours of children. However, the types of scenarios and threats being experienced by our members (as well as Education Assistants (EAs) and teachers) would be defined as 'violence' within the WorkSafe BC regulations.

Exposure to repeat assaults and threats can be traumatic for our members. Members with this or other forms of trauma may be approved for a mental

injury claim, particularly when this trauma is *primary* to the member, versus secondary or tertiary. Much will depend on the type of trauma, duration, and impact.

You will also note in Section 5.1 (a) (ii) above, that bullying and harassment is considered a significant work-related stressor. WorkSafeBC states that a worker is **bullied and harassed** when ...

- Someone takes an action that he or she knew or reasonably ought to have known would cause that worker to be humiliated or intimidated
- The action includes ... verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, and/or spreading malicious rumours

What is also important is that WorkSafeBC requires that if you are a worker and you have witnessed or experienced bullying and harassment in your workplace, ***you must report it to your employer.***

This brings us back to the important bullet points above:

- Known
- Unaddressed
- Life-changing

Known

To provide a safe workplace and prevent injuries, safety risks need to be **known** and, thereby, **reported**. This is a mandatory requirement of both workers and employers under the Workers' Compensation Act. In addition, WorkSafeBC requires that all serious incidents and accidents be immediately reported and investigated.

In your role as the Principal/Vice-Principal in the school, you are the eyes and ears of the district on the front line of workplace health and safety. Any unsafe situations should either be addressed quickly by you, or through your direction to others,

to mitigate possible harm. When the safety risk is one that is not easily addressed at the school level, your responsibility as a school leader is to report the risk to the district level, as they – the employer – have the responsibility to investigate and do all that is reasonable to mitigate that safety risk. Reporting unsafe work conditions not only includes physical safety, but also psychological safety risks such as bullying and harassment, violence, and trauma.

The BCPVPA Member Support Services team have noticed member reluctance or delay in reporting unsafe situations, even incidents of harm. The source of this resistance may come from one or more of the following perspectives:

- The belief that these risks and incidents are just “part of the school leader’s job” (e.g. putting up with bullying from parents onsite or on social media)
- Fear from the member that leadership at the district will believe they are not able to do their job (e.g. when members struggle to safely de-escalate a dysregulated child)
- That the paperwork takes too much time on top of all the other demands, especially if the risk happens regularly
- That the school district may retaliate if they file a WorkSafeBC claim (which, of note, is in contravention of the Workers' Compensation Act, and the district will be fined if there is proof of retaliation. If this is ever a concern, ***please contact BCPVPA’s Member Support Services team.***)

We need to remove these barriers to reporting, not only because reporting is a legislative requirement, but because a lack of reporting ***is harmful to our members.***

Reporting safety concerns and/or incidents is a critical step in the important paper trail of due diligence for you and your district. If the issue – with its frequency and severity – is not reported, and therefore not **known**, there is no evidence or pressure for the district to

"We need to remove these barriers to reporting, not only because reporting is a legislative requirement, but because a lack of reporting is harmful to our members."



mitigate the situation. Should our member experience an injury, in this case a mental injury, their workplace injury may not be accepted by WorkSafeBC due to time delays in reporting. Mental disorders are often based on an accumulation of events and worsen over time, therefore the earlier the injury is reported and treated, the lower probability of a chronic condition that may impact your career longevity.

Unaddressed

WorkSafeBC is clear that the employer has a legal responsibility to investigate unsafe work situations – that is, of course, assuming you reported the safety concern!

Here are the steps required according to WorkSafeBC:

Step 1

Report the unsafe condition or procedure

- When a member or a colleague is exposed to bullying or harassment, and/or violence, the member needs to immediately report it to their direct manager. If that manager is the source of the concern, or the member is not comfortable going to their direct manager, the member can report the unsafe condition to a district representative such as Human Resources or Health and Safety.
- This investigation should be done in your presence, and with a worker representative of the joint health and safety committee, or a colleague of your local Chapter.
- The district, as the employer, must investigate the matter and take all reasonable steps to mitigate the risk exposure. For example, Principals and Vice-Principals working with neurotypical children need to be aware of the level of risk, provided with the right training, and provided with the appropriate safety equipment. If the district does not believe that your concern

is valid, and they will not be taking any action, they need to report this back to you.

Step 2

If after your supervisor and/or the district has said it is safe to perform a job or task, or there is an unreasonable delay or stall in the risk being addressed and you still view the work as unsafe, then:

- Reach out to the BCPVPA to discuss the situation and determine next steps
- This helps us track the types and number of unsafe conditions, and ideas on how to mitigate the risk

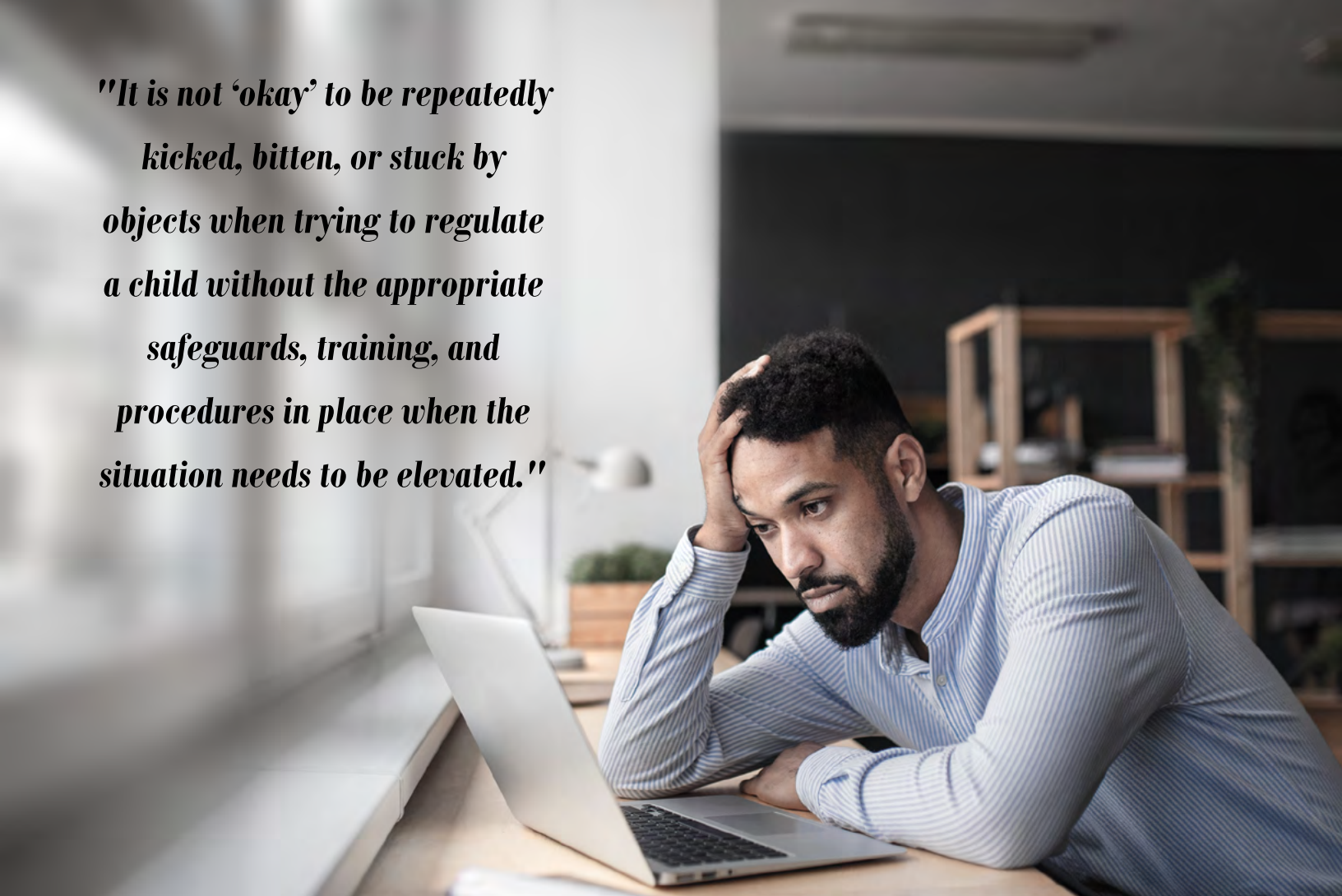
Or,

If your employer has still not taken reasonable steps to address the incident:

- Call the **Prevention Information Line** to contact an officer to discuss the incident.
 - **Toll-free:** 1.888.621.7233
(1.888.621.SAFE) (Canada)
- WorkSafeBC may send a prevention officer to the district to investigate the situation and take steps to find a workable solution to minimize the risk

The district, as an employer, has the legal obligation to reasonably minimize risk. It is not 'okay' to allow parents to continue bullying behaviour because of political sensitivities. It is not 'okay' to be repeatedly kicked, bitten, or stuck by objects when trying to regulate a child without the appropriate safeguards, training, and procedures in place when the situation needs to be elevated. If, despite putting in prevention steps, the violence, bullying and harassment, and/or trauma occurs, it is still important to report the incident. That is how a safety system works: incidents are reviewed and recommendations are made to reduce injuries going forward. It is the district's responsibility to continue to do whatever they can – within their control and influence – to keep you and staff out of harm's way.

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Life-Changing

Sustaining a mental health injury, particularly one that you have struggled with over a long period of time with little treatment, can become chronic; this is particularly true in situations where our members have experienced trauma, as access to the right treatment can be complex. The nervous system impact can be ***life-changing***.

We can't stress it enough: ***if you are exposed to situations such as trauma, bullying and harassment, or violence***, aside from reporting the situation, ***be self-aware***. Check in with yourself regularly to reflect on how you are doing.

Often, due to the resistance members have to reporting, they carry on in the situation feeling they can handle it, or are afraid of their professional reputation

or district response to their concern. This often leaves the member struggling until their resilience gives out and they go off work. Often these types of crashes, after 'keeping a stiff upper lip' for a period of time, are large crashes; the crater formed from this crash is steep to scale, and may put a career at risk.

Seek out medical help if you are struggling. Make sure to tell your physician about work factors you feel are impacting your mental health, and have them complete a [Form 8/11](#).

Then, complete a WorkSafe [BC Form 6A](#) to report the injury to your employer. This doesn't mean that you are going off work. It simply puts on record that you have reported a possible injury for which you received medical treatment.

Members have a maximum of one year to make a

WorkSafeBC injury claim from the time they first experience symptoms of mental distress. This may seem like a long time, but members tend to go until they cannot go anymore – often beyond the one-year date. At this point, the workplace factors may be determined to be the causal factor of the mental disorder, but the claim for benefits may be denied as the time for reporting of the injury has expired.

You may think: so what? Can I not just go onto Long-Term Disability? Well, yes; however, if there is a work-related component to your injury, the LTD provider will ask you to apply to WorkSafeBC. In most cases, LTD will top up the wage loss benefit from WorkSafeBC. However, when a claim has been accepted by WorkSafeBC, you benefit by:

- Having any prescriptions or treatments paid for by WorkSafeBC versus using your own benefits
- If your condition plateaus – in that your recovery maximizes at a level less than you were at the time of the injury – WorkSafeBC may award you a Long-Term Disability pension – a monthly amount that is paid up until you reach 65
- The rehabilitation treatment (particularly for trauma) is made available and fully paid for (unlike on LTD)
- Workplace accommodation expectations and return to work support is much more robust than on LTD

There is also a savings to the member-paid Long-Term Disability program any time a member is collecting WorkSafeBC benefits, as some of the cost is then

allocated back to the school district's WorkSafeBC premiums.

Do not let psychologically unsafe situations at work be life-changing. Be aware of risks, and the impact on you. Seek medical help quickly, and don't shake it off as part of your job. Don't forget to report.

How the BCPVPA Helps

If you ever have questions about a situation at work that you believe is unsafe, or are feeling like you may be struggling from a health condition caused by work, please call the BCPVPA's Director of Member Health and Well-Being. You can expect:

- That all conversations will be treated with the highest level of confidentiality
- Direction to information sources, resources, or community support
- Referral to Early Intervention Program through humanworks
- Help in navigating the WorkSafeBC and Long-Term Disability system
- Coordination of solutions to challenging workplace/health issues

The BCPVPA's commitment to you is to build your understanding of how to care for ourselves to ensure we have long-lasting, healthy, and rewarding careers ahead!

Be safe!

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