

Violence prevention—the right to know

Access to information

Occupational Health and Safety Regulation 4.30 requires the employer to inform all workers of the nature and the extent of the risk of violence. The duty to inform includes a duty to provide information related to the risk of violence from persons who have a history of violent behaviour and whom workers are likely to encounter in the course of their work. This information must be provided to workers prior to their exposure to the risk. The employer must also instruct workers on:

- how to recognize the potential for violence
- the procedures, policies, and work environment arrangements which have been developed
- the appropriate responses to incidents of violence, including how to obtain assistance
- the procedures for reporting, investigating, and documenting incidents of violence.

Members are often told that they cannot be informed about a student's violent history as it would violate the *Freedom of Information and Protection of Privacy Act* (FOIPOP), the *School Act*, or the *Youth Criminal Justice Act*. **This is not correct.** Members are entitled to know the nature and the extent of any risk of violence to which they are exposed. The *Acts* and *OH&SR* work in concert with the other legislation, or parallel to it.

Freedom of Information and Protection of Privacy Act (FOIPOP) S.25

Section 25 of FOIPOP provides that whether or not a request for access has been made, the school board must without delay disclose to the public, to an affected group of people, or to an applicant, information about a risk of significant harm to the environment or to the health and safety of the public or a group of people or when disclosure is for any other reason clearly in the public interest. Note that prior to releasing the information, the school board, if practicable, must notify the party to whom the information pertains and the Privacy Commissioner. Anyone who receives information under this section is bound by the same privacy laws. Additionally, Section 22(4) states that a disclosure of personal information is not an unreasonable invasion of a third person's privacy if there are compelling circumstances affecting anyone's health and safety.

Privacy provisions under the *School Act* are superseded by the provisions of FOIPOP.

Youth Criminal Justice Act Section 125

Legislative authority to disclose information to schools

Subsection 125(6) of the *Youth Criminal Justice Act* authorizes the limited disclosure of information respecting young persons dealt with under that *Act* to school "representatives". The provincial director, a youth worker, the Attorney General, a peace officer or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person – including the representative of any school board or school or any other educational or training institution – any information contained in a record kept under sections 114 to 116 if the disclosure is necessary

- (a) to ensure compliance by the young person with an authorization under section 91[for reintegration leave or day release] or an order of the youth justice court;
- (b) to ensure the safety of staff, students or other persons; or

(c) to facilitate the rehabilitation of the young person.

Members who are being denied information should involve a WorkSafeBC officer or file an application under FOIPOP for the information after seeking the advice of the local.

School Act—Section 76

Conduct

- “The discipline of a student while attending an educational program made available by a board or a provincial school must be similar to that of a kind, firm and judicious parent, but must not include corporal punishment.”

School Act—Section 91

Excluding students

- A teacher, principal, vice-principal, or director of instruction may exclude a student from school if it is believed that the student is suffering from a physical or mental condition that would present a danger to others.

School Act—Section 177

Maintenance of order

- A person must not disturb or interrupt the proceedings of a school or an official school function.
- Someone who is causing a disturbance at a school must leave immediately if ordered to do so by a principal or vice-principal and must not come back without permission.