

Preventing Workplace Violence

Commonwealth of Massachusetts' Preventing Workplace Violence

This handout is designed to provide a basic overview of the Commonwealth's policy of zero tolerance for workplace violence. Individuals employed on a full time or part time basis by the Office of the Governor or any state agency under the Executive Department are required to complete this training.

Course Objectives

On completion of this course, you will be provided with the tools to:

1. Understand the Commonwealth's definition of workplace violence.
2. Identify the types of workplace violence and characteristics.
3. Know the procedures and resources available to report incidents of workplace violence.
4. Understand the consequences for engaging in inappropriate behavior in the workplace.

Workplace violence undermines the integrity of the workplace and the personal safety of employees. Workplace violence can also result in employee distraction, loss of morale, loss of productivity, increased absence, and increased employee turnover.

As established in Executive Order 442, the Commonwealth maintains a Policy of Zero Tolerance for Workplace Violence which we will refer to as the "Policy" for the purpose of this training. The Executive Order applies to individuals employed on a full time or part time basis by the Office of the Governor or any State agency under the Executive department.

The Commonwealth strives to set an example for other employers through its policy of zero tolerance for workplace violence.

Workplace Defined

Before discussing the definition of workplace violence, it is important to understand what is meant by “workplace.” The Commonwealth’s definition of workplace is comprehensive and includes more than the physical building to which employees report. The definition of workplace according to the Commonwealth and in the context of workplace violence includes:

1. Any State-owned or leased property; this includes the physical building and parking lot.
2. Any location where State business is conducted, including a client or customer location.
3. Any State vehicles or private vehicles being used to conduct business for the Commonwealth.
4. The workplace can include any location if the violence has resulted from an act/or decision made during the course of conducting Commonwealth business.

For example, both Jack and Russell are hoping for a promotion. Jack gets the promotion, which leaves Russell angry. Later in the week, Russell spots Jack at the local supermarket. He takes a shopping cart and rams it into Jack’s back shouting, “I should have gotten the promotion!”

In this case, the denial of the promotion happened in the workplace, the assault took place off duty and off property. Under the definition of workplace, this event would be subject to the policy.

Commonwealth Definition of Workplace Violence

Workplace violence includes, but is not limited to: intimidation or threats communicated by any means: assault, battery, property damage, or other aggressive behavior that causes a reasonable person to be in fear of their own safety or that of a colleague. Let’s take a closer look at this definition.

1. Intimidation

Intimidation and threats are tools used by the offender to instill fear in the victim. Intimidation is to say or do something in such a way that a reasonable person would be fearful of bodily harm or retaliatory behavior.

Threats are declarations of one’s intention to cause harm or loss to another’s person or property. For example, one employee stating to another, “If you tell the supervisor I came in late today, I will make you sorry you came to work at all today.”

2. Assault and Battery

Assault is an action involving a threat or attempt to inflict bodily injury upon another person, together with the ability to succeed in carrying out the threat or the attempt if not prevented, causing a person to have reasonable fear or apprehension of immediate harmful or offensive contact.

An example of that would be:

- Waving a baseball bat at someone, or
- Using a realistic toy gun to threaten someone.

Battery is the harmful or offensive touching of any part of another person's body or of something, such as clothing or a carried item that is so closely attached to the person that it is customarily regarded as part of the person.

Regardless of the underlying reasons, violence in the workplace is not acceptable. An employee who initiates violence will be in violation of the policy as well as an employee who retaliates or intensifies the conflict.

3. Property Damage

While some people may not think that property damage is included as part of the workplace violence policy definition, it is.

Property damage is:

Causing harm to another individual's personal property. For example:

- Slashing a person's car tires or keying the car, or
- Damaging personal belongings in an employee's office.

4. Disruptive or Aggressive Behavior

Lastly, workplace violence includes disruptive or aggressive behavior that causes a reasonable person to be in fear.

For example: Yelling at someone during a meeting to intimidate them and cause them to be in fear. Behavior and comments cannot be ignored and need to be taken seriously even if the person ultimately does not act on their threats or comments. Threats and unacceptable behavior are in clear violation of the policy.

Forms of Workplace Violence

Behaviors that constitute workplace violence can take place in many different forms. It need not be a face to face confrontation. For example, an offender may have a third party carry out an assault, or deliver a threatening message. Other forms may include making a telephone call, writing a letter, leaving a note, or sending a fax or email to threaten or instill fear in a person.

Behaviors that constitute workplace violence can take place in many different forms:

- In person
- Telephone
- Letter
- Note
- Fax
- Email

Incidents of Workplace Violence

Incidents of workplace violence may be acted out individually or take place between employees, employees and customers, employees and acquaintances/partners, or employees and the general public.

Employees can engage in workplace violence individually by destroying agency property, posting a general threat in a public place, or disrupting an agency

meeting with aggressive behavior. For examples: spray paint on a wall, or writing on a bathroom wall, or a blast email.

Another type of violence is one perpetrated by individuals and directed toward a specific co-worker, supervisor, or a manager.

De-escalating Violence

Remain calm, provide pertinent information, and offer assistance.

Violence and Acquaintances or Partners

Another type of violence is one perpetrated by individuals, outside of the organization, but who have a relationship with an employee. This is also known as domestic violence in the workplace.

This includes violence perpetrated by a partner, a spouse, or an acquaintance against an employee at work, or violence perpetrated by an employee (while at work) against a domestic partner, even if the partner is not an employee of the Commonwealth. For example, an employee is overheard on the telephone speaking to an acquaintance and very loudly states: “if you don’t stay away from my wife, I’ll kill you, I’m not joking.”

It is worth noting that the Commonwealth maintains a zero tolerance policy against domestic violence in the workplace which is addressed in different training.

Employees and the General Public

At times, a conflict between an employee and a member of the general public escalates and rises to the level of violence in the workplace. Intimidation or threats towards a client or customer may rise to the level of workplace violence and can be a violation of the policy leading to disciplinary action.

Our employees are the face of the Commonwealth. When interacting with the public, employees should conduct themselves professionally. In the event a client becomes disrespectful or unruly, the employee should remain respectful and de-escalate the situation. Employees should focus on the business at hand and ask for assistance from a supervisor if they feel that they are losing control of the situation.

Employee Responsibilities

As an employee of the Commonwealth, you are required to:

- Read and comply with your agency's policy
- Refrain from participation in any form of workplace violence
- Cooperate in an investigation of an alleged workplace violence incident and
- Report behavior in the workplace that you believe to be workplace violence to your supervisor, or the police when appropriate.

Cooperating in Investigations

At times employees feel uncomfortable participating in investigations. It may feel like you are taking sides with another employee or you may not want to be involved. It is important for the employer to understand the whole truth related to an incident in order to promote a safe workplace environment.

- Make yourself available to meet with investigators
- Tell the truth
- Write a statement when asked by the investigator
- Testify when needed, and
- Maintain confidentiality (refrain from gossiping and reacting to rumors).

Reporting Workplace Violence

If you believe you are a victim of workplace violence or if you witness workplace violence, please report the incident to your manager, Human Resources Director or both.

At times, a victim may not wish to report an incident. However, every employee has an obligation to promote a violence free workplace and report any incidents. Keep in mind that if an incident is life threatening, employees shall contact the appropriate law enforcement authorities.

Retaliation

Retaliation by alleged offenders or employers against an employee for reporting or participating in an investigation of an incident of workplace violence is prohibited. Furthermore, retaliation directed at any of the parties will not be tolerated.

Managers are directed to look for signs of retaliation and take the proper steps immediately.

Consequences for Engaging in Workplace Violence

Workplace violence has serious and sometimes detrimental consequences. It impacts victims' productivity and workplace enjoyment. In addition, it can create an atmosphere of intimidation and hostility for the workplace as a whole. Even a single violent act can result in a negative work environment which may be difficult to heal. Employees must conduct themselves in a professional manner and refrain from engaging in behavior that could rise to the level of workplace violence.

The Commonwealth maintains a zero tolerance policy for workplace violence. When an employee is found to have engaged in violent behavior in the workplace, the employee may be required to attend training in order to remediate the behavior. The employee may also be subject to disciplinary action. Depending on the severity of the incident, the discipline may include all disciplinary measures up to, and including, termination.

Possible discipline includes, but is not limited to:

- Verbal warning
- Written warning
- Unpaid suspension
- Termination
- Transfer, or
- Any combination of the above.

Manager's Role

If a situation involving workplace violence arises, managers should contact the Office of Human Resources at their agency to assist them with any related situations that may arise. This may include:

- Reporting an incident
- Participating in an investigation
- Disciplinary action
- Warning against and addressing retaliation

Reporting an Incident

Managers are required to respond promptly to reports of workplace violence and to take immediate action to ensure the safety of employees.

Reporting an Incident

Regardless of how casual the report of workplace violence is, managers must respond promptly. If behavior takes place that violates the Commonwealth's policy, a manager is obliged to report that behavior. Managers should not minimize or otherwise excuse violent behavior in the workplace.

When a report of workplace violence is brought to a manager's attention, the manager should contact their Office of Human Resources. In extreme situations which may result in harm to employees, the manager should immediately contact the appropriate law enforcement authorities. For example, when a manager witnesses an assault in the parking lot, they should call 911 immediately.

Participating in an Investigation

Every instance of workplace violence should be investigated. The goal of the investigation is to determine if the behavior occurred. Managers may be asked to give a witness statement, provide access to their employees to be interviewed by investigators, gather documents, and recommend discipline.

Discipline

The Commonwealth maintains a zero tolerance policy for workplace violence. Depending on the severity of the incident, disciplinary action ranging anywhere from a warning up to and including termination of employment may be imposed. In addition, the employee may be required to attend training in order to remediate his or her behavior.

Possible discipline includes, but is not limited to:

- Verbal warning
- Written warning
- Unpaid suspension
- Termination
- Transfer, or
- Any combination of the above

In considering promotions and other work-related determinations, managers may consider any incidents and/or discipline related to workplace violence.

Retaliation

Retaliation by alleged offenders against an employee for reporting an incident of workplace violence is prohibited. As a manager, you should look for any signs of retaliation – they may be subtle.

Some examples of retaliatory behavior may include singling out the person who made the complaint, referred to as complainant, to work overtime or to take on undesirable assignments; excluding a complainant from meeting or projects, or other behavior that alienates the complainant in the workplace.

If retaliation is taking place, managers should intervene promptly and stop the retaliatory behavior. In addition, any instance of retaliation should be reported to the Office of Human Resources at your agency.

Additional Obligations

Managers are directed to respect the privacy of victims and to preserve confidentiality to the extent possible in dealing with situations involving workplace violence.

Managers must also caution their employees to refrain from rumor or gossip when participating in an investigation.

Questions regarding the Commonwealth's policy should be referred to the Office of Human Resources at your agency.