



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

HR-VIOLENCE PREVENTION-2019

DIVISION OF HUMAN RESOURCES

Violence Prevention in the Workplace Policy

Date of Last Revision 10/21/2019

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1. Purpose

- a. The State of Rhode Island is committed to providing and maintaining a safe, healthy and secure work environment, characterized by courtesy, respect and professionalism, that is free from workplace violence. Therefore, the State has adopted a statewide zero tolerance policy for workplace violence. Accordingly, the purpose of this policy is to:
 - (i.) Provide guidelines and direction to Executive Branch agencies and employees in preventing and/or responding to incidents of workplace violence or a perceived threat of violence in the workplace;
 - (ii.) Identify responsibilities for compliance, reporting procedures, and prohibitions;
 - (iii.) Hold perpetrators of violence accountable; and,
 - (iv.) Provide assistance, resources and support to victims.

2. Scope

- a. This policy applies to all State Executive Branch agencies and employees whether permanent, non-permanent, temporary, seasonal, full or part-time.

3. Definitions

- a. **Assault** -Any willful attempt to inflict injury upon another when coupled with the apparent ability to do so. Actual touching, or striking, or doing bodily harm to another is not required; the mere attempt constitutes an assault.
- b. **Battery**- The intentional and wrongful physical contact with a person without that person's consent, or without legal authority to do so, that entails some injury or offensive touching. The willful attempt to use force to touch another is an assault; the actual touching is a battery.
- c. **Bullying** -Unwanted offensive and malicious behavior that undermines an individual or group through persistent negative attacks. The behavior generally includes an element of vindictiveness, and is intended to undermine, patronize, humiliate, intimidate or demean the recipient.
- d. **Dangerous Instrument** - Any instrument, article or substance that, under the circumstances is capable of causing death or serious physical injury.

- e. **Discrimination** - Unfair treatment because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.
- f. **Domestic Violence** -Violence that occurs between individuals who have or had a significant personal relationship, typically involving the violent abuse of a spouse, partner, family or household member.
- g. **Harassment**- Unwelcome conduct that is based on race, color, religion, sex, national origin, age, disability or genetic information. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. "Sexual" harassment is a particular type of harassment that includes unwelcome conduct such as sexual advances, requests for sexual favors or dates, remarks about an individual's appearance, discussions, remarks or jokes of a sexual nature, and/or other verbal or physical harassment of a sexual nature. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- h. **Intimidation** - Unwarranted behavior intended to induce fear, force into or deter from some action through the force of personality or as if by threats.
- i. **Possession of or Possessing a Weapon** -The presence of a weapon at any location in or on the workplace. This includes, but is not limited to, on the person or employee, in the employee's desk, lunch box or container, bag, purse, cabinet, office, etc.
- j. **Property Damage** - Intentional damage to property, including property owned by the State, employees, vendors, or members of the public.
- k. **Threat of Violence** - Any act of aggression or a statement which objectively could be perceived as intent to cause harm to an employee in State government. Threatening behavior includes any behavior that could be interpreted by a reasonable person as intent to cause physical harm to another individual. Threatening behavior may, or may not, include the actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or non-verbal.
- l. **Violent Acts** -Any act that is an assault, a battery, or the destruction/damage of physical property.
- m. **Weapon** -A device, instrument, material or substance used to, or capable of causing bodily injury, death, or damage to property. Weapons include, but are not limited to firearms (including non-powder or BB guns), firearm facsimile, explosives or other combustible devices, knives or box cutters unless authorized and being used for a specific work purpose, baton or nightstick, martial arts weapon, electronic defense weapon, brass knuckles, or any other device used for the infliction of bodily injury, damage to property, or death which has no common lawful purpose.
- n. **Workplace**-Any location, either permanent or temporary, where an employee performs any work-related duty. This includes, but is not limited to, state-owned or leased buildings.

- o. Workplace Conflict** - Conduct or communication that is not clearly discrimination based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information but which contributes to a hostile work environment, constitutes workplace conflict that must be dealt with swiftly so as to avoid the matter becoming the source of violent acts.
- p. Workplace Violence** -Any physical assault or threatening behavior in the workplace. This includes, but is not limited to, any act or threat of aggression, whether physical, verbal or written, which reasonably results in fear of bodily harm; causes or is capable of causing bodily injury or death; threatens the safety of a co-worker, visitor, client of member of the general public; or damages property. Workplace violence can include, but is not limited to, intimidation, bullying, harassment, stalking, domestic violence, physical attack (hitting, pushing shoving, kicking, touching, assault), threatening gestures, threatening notes, email and social media postings, and other actions such as robbery and attempted robbery, bomb threats, arson, sabotage and vandalism.

4. Procedures for Compliance

a. General

- (i.)** An employee who is the victim of workplace violence shall report the incident immediately in accordance with the procedures in this policy.
- (ii.)** Employees who witness and/or have knowledge of violent acts or threats of violence in the workplace must report such acts or threats in accordance with the procedures in this policy. Employees who make such reports have the right to have those complaints investigated.
- (iii.)** Employees, who engage in violent or threatening acts against other employees or the public, shall be subject to appropriate sanctions, depending upon the circumstances, up to and including termination of employment, as well as possible criminal charges. The State will work with appropriate law enforcement agencies to aid in the investigation and prosecution of anyone who commits a violent act in the workplace.
- (iv.)** The State will not tolerate acts of domestic violence perpetrated by or against any employee while in state offices, facilities, work sites, vehicles or while conducting state business. In response to a voluntary request by an employee who is a victim of domestic violence, appropriate support and assistance will be provided. This includes referral and resources through the Employee Assistance Program (EAP); work schedule adjustments or leave as needed to obtain assistance; and workplace relocation, all of which are subject to operational efficiency and collective bargaining agreements. Other appropriate assistance will be provided based on individual need and availability.
- (v.)** When applicable, state officials and employees shall cooperate fully with all appropriate individuals in the investigation and prosecution of criminal acts, this policy, and the pursuit of any civil remedies in order to create and maintain a violence-free workplace.
- (vi.)** Employees are prohibited from:

1. Committing any violent or physical act in the workplace against another state employee, vendor, or member of the public.
 2. Making verbal or non-verbal threats, that are disruptive, provoking, harassing, or unsafe behavior. Further employees shall not bully, harass or discriminate against each other nor shall employees bully, harass or discriminate against members of the public with whom they come in contact.
 3. Possessing, selling, transferring, using or threatening to use firearms or personal weapons of any kind, at any location, in or on the workplace or state property/buildings, unless the employee is appropriately licensed and required to carry a firearm or weapon in the course of fulfilling his/her state employment responsibilities. This prohibition of firearms and personal weapons extends to State vehicles as well as privately owned vehicles on State property. Properly licensed and authorized State employees may carry weapons onto State premises if the carrying of such is permitted at that particular location for the purposes for which the employee is carrying the weapon; these purposes include hunting and weapons qualification.
 4. Intentionally destroying property or possessions of co-workers or the State without authorization.
 5. Refusing to cooperate in an investigation into allegations or suspicion that workplace violence or threats of workplace violence have or is likely to occur, or an investigation about the possession of a weapon by the employee or another employee.
 6. Retaliating or taking disciplinary action against an employee who is complaining of, or reporting, a violent or threatening behavior.
 7. Engaging in off-duty violent conduct that has a potential adverse impact on the State, its employees, vendors or members of the public.
- (vii.) Any weapons or dangerous instrument at the workplace will be confiscated and there is no reasonable expectation of privacy with respect to such items in the workplace.

b. Reporting Procedures

- (i.) Any employee who is the victim of or is witness to workplace violence, or who believes there is the potential for workplace violence to occur must immediately notify his/her supervisor and/or the agency human resources liaison and, if appropriate law enforcement.
- (ii.) If for any reason the employee fears that providing that information to their immediate supervisor may place them at risk of harm or retaliation, or the employee believes that the supervisor has not taken appropriate action, the employee may refer the matter to the next level of supervision.
- (iii.) As soon as possible, and in the absence of emergency, a written report detailing the incident should be completed and forwarded to the supervisor and agency human resources liaison. Employees should use the Violence Incident Report Form (<http://www.hr.ri.gov/stateemployee/forms1/>) to report incidents.

- (iv.) It shall be each supervisor's responsibility to swiftly and thoroughly review each reported incident, and/or to report each complaint to the appropriate department or law enforcement authority.
- (v.) Supervisors shall immediately report all substantiated violent acts or threatening behavior, complaints or reports of same, and the results of their review to their agency/department director and the agency human resources liaison. The agency director, human resources and safety/security assesses all reported incidents, investigates as appropriate and responds.
- (vi.) The agency follows its safety plan to address immediate threats to agency employees or others. The agency reports threats or assaults that require the immediate attention of law enforcement or security to the appropriate security entity (E-911, Rhode Island Capitol Police, Rhode Island State Police or local law enforcement) to ensure the safety and welfare of its employees and the public.

c. Enforcement

- (i.) Individuals who engage in assaults, physical violence, discrimination, bullying, harassment, intimidation, threatening behavior, or other disruptive behavior, may be removed from the workplace depending on the severity of the act and further may be subject to disciplinary action, up through and including discharge, and/or criminal penalties.
- (ii.) When the behavior of an individual is serious enough to create concern over imminent and serious physical danger to other persons or to property, the following procedures will apply:
 1. The individual will be ordered by the supervisor where the incident or behavior is occurring to leave the premises immediately and not to return until given authorization to do so. It must be made clear to the employee that this is an order, not a request. If the individual employee states that he/she has personal property at his/her worksite that the employee wishes to retrieve prior to leaving, the employee will be informed that arrangements will be made subsequently to provide for the employee to retrieve such personal property.
 2. If the employee is on duty when the order to leave the premises is given, and the employee asks whether he/she will be paid, the employee will be informed that he/she may elect to discharge vacation leave, personal leave or leave without pay. If the employee has insufficient accrued leave in the above categories, or refuses to elect to discharge such leave, the employee will be placed on Leave without Pay. However, the Personnel Administrator, at his/her discretion, may elect to grant Administrative Leave with Pay for any such involuntary removal from the premises.
 3. If the individual refuses to obey the order to leave, the supervisor will call the appropriate and most available security force. Depending on circumstances, this could be the Capitol Police, the State Police, the local police, or other properly authorized law enforcement agency. The employee will be placed on Leave without Pay.

d. Process – Guidelines for Employees and Management

(i.) Immediate Action by Proper Authorities when Incidents Occur

(ii.) Any employee observing violent or threatening behavior is expected to first secure his/her own safety. As appropriate, the Enforcement Policy discussed above will be implemented. In addition, the following applies:

1. Emergency Situations - A situation is an emergency if an injury has occurred or there is an immediate threat of physical harm or injury.

a) Any employee aware of a serious threat to his/her safety or the safety of others, whether a violent act or threatening behavior, that requires immediate attention should contact 911 and report as many details as possible to the emergency response unit. The employee must also contact his/her immediate supervisor or the Capitol Police as soon as possible. If the employee's supervisor is the person that is the source of the violence or threatening behavior, the employee should notify a higher authority in the organizational chain of command. Employees should take no action that jeopardizes their safety and welfare.

b) When an employee witnesses or is subject to a violent act or threatening behavior, as soon as feasibly possible, the supervisor will direct/require the employee to provide a written report (using the Violence Incident Report Form) of the violent or threatening behavior. This report will include the location of the incident, the date and time, the persons present, what was said, what occurred, and any other relevant information.

c) The supervisor will determine if the allegation is serious enough to warrant immediate action. In so doing, the supervisor, if feasible, will interview the person against whom the allegations have been made.

2. Non-Emergency Situations.

a) Immediately notify his/her supervisor or other appropriate agency/department officials.

b) Complete the Violence Incident Report Form and forward it to his/her supervisor and agency human resources liaison.

c) When it appears that there is an inter-personal conflict between two employees, supervisors are encouraged to assist employees to resolve their differences.

d) If the situation becomes an emergency, employees should follow the procedures outlined above for emergency situations.

(iii.) Investigative and Corrective Action

(iv.) All reports or alleged incidents of violent, threatening, bullying, harassing or intimidating behavior will promptly be investigated by the supervisor and the human resources agency liaison. The appropriate agency/departmental supervisor must do the following:

1. Contact the human resources agency liaison for guidance and to begin the investigation process.
2. Separately interview all persons involved, including any witness, in order to obtain an accurate written account of the incident.
3. Obtain written statements of all witnesses and others interviewed.
4. If unionized employee(s) being interviewed reasonably may be subject to disciplinary action as a result, and if the employee requests union representation, either cease interviewing the employee or obtain union representation. Review the current union contract to determine whether that particular labor contract requires that the supervisor advise those employees who may be subject to disciplinary action based on the incident that they have a right to be represented during the interview.
5. If the agency/departmental supervisor concludes that the allegations were not only false but also were malicious, the supervisor should make a recommendation as to what disciplinary action, if any, to take against the employee(s) who made the false allegations.
6. Whatever the results of the investigation, the supervisor in coordination with the human resources agency liaison will make a full written report and forward this to the appropriate Departmental official.

5. Responsibilities

a. The Division of Human Resources shall:

- (i.) Provide overall policy guidelines to assist agencies in designing and/or implementing agency-specific workplace violence prevention and response programs, including the development of agency procedures, training, and informational materials.
- (ii.) Work with safety/security to coordinate the development of a workplace violence prevention training program which can be delivered through a variety of means.
- (iii.) Function as a resource for the identification of workplace violence information and training resources.
- (iv.) Provide assistance to agencies through EAP debriefing services following a critical incident.

b. Agency Directors shall:

- (i.) Ensure that the agency develops and implements an agency specific workplace violence prevention and response policy and program.
- (ii.) Provide necessary support and resources to the agency workplace violence prevention program.
- (iii.) Create a workplace environment which encourages discussion of workplace violence issues and encourages employees who have filed an Order of Protection to inform the agency supervisor and/or human resources agency liaison so that appropriate safety precautions can be implemented.

- (iv.) Ensure that all employees receive training on workplace violence prevention and response.
 - (v.) Ensure that all reported incidents are investigated and that appropriate action is taken when the investigation substantiates that workplace violence has occurred.
- c. Supervisors and Managers shall:
- (i.) Ensure employees are provided with and familiar with the Violence in the Workplace Prevention Policy, agency specific information and any worksite safety and evacuation plans.
 - (ii.) Act promptly and document all actions taken.
 - (iii.) Treat all complaints as valid. However, the supervisor also must be neutral.
 - (iv.) Report all incidents of workplace violence, bullying or harassment to the agency human resources liaison so that human resources may work with the agency to evaluate, investigate and take appropriate action.
 - (v.) Limit the disclosure of the information to persons who have a right/duty to know (i.e. Human Resource staff or supervisor).
 - (vi.) When the appropriate authority has determined what action, if any to take, inform the complainant(s) of the disposition of the matter and what action, if any, was taken.
 - (vii.) Be proactive in supervisory/management responsibilities to minimize the risk of workplace violence consistent with operational considerations and initiate corrective action and discipline where warranted.
 - (viii.) Encourage any employee that may be experiencing personal problems to contact the EAP.
 - (ix.) Consult the human resources agency liaison when an employee shows signs of inappropriate behavior, warning signs of potential workplace violence, or demonstrates behavior that may be workplace violence.

6. Retaliation

- a. The State strictly prohibits and will not tolerate any form of retaliation directed against an employee who reports incidents of threats, workplace violence, intimidating conduct, bullying, or weapons possession. Any employee, in good faith, providing information about a violation or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment.

7. Repercussions for Noncompliance

- a. If a situation involving an employee, although not an emergency, is serious enough that it warrants ordering the employee not to return to work, the procedure outlined above for removing an individual from the premises will be followed.
- b. Corrective action will be taken to remedy violations of this policy when warranted, up to and including the discharge of parties whose conduct violates this policy. The party or parties may also be subject to criminal prosecution. With respect to non-employees,

management will take appropriate steps as deemed necessary to minimize any threat, with guidance from Human Resources, Safety/Security and law enforcement.

- c. Any supervisor or manager who fails to properly act upon employee complaints or on personal knowledge of conduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

8. Resources for Advice and Assistance

- a. E-911 (in an emergency regarding a criminal act) 911
- b. Rhode Island State Police (401) 444-1000
- c. Rhode Island Capitol Police (401) 222-3077/6905
- d. Division of Human Resources (401) 222-2160
- e. Optum Employee Insurance Program 1 (800) 248-4094

9. Signatures



Division Director



Date



Director of Administration



Date