



Employee Assistance Program

WORKPLACE VIOLENCE POLICY:

Workplace Violence Policy Law

Workplace Violence is a very serious issue that has been increasing over the past decade. As an employer, your best defense is to become knowledgeable about workplace violence issues and to implement preventative measures, such as a Workplace Violence Policy. The following are seven common law claims that may be brought against employers as a result of a violent incident at work:

Negligent hiring or retention, if the employer knew or should have known of an applicant's or employee's propensity for violence.

Negligent supervision, if the employer failed to heed increasingly obvious signs of an employee's deteriorating psychological or emotional state.

Breach of implied contract to provide a work environment free from unreasonable risks of harm.

Wrongful death, when an employer's failure to take reasonable steps to respond to a known threat results in tragedy.

Negligent infliction of emotional distress, if an employee suffers significant emotional trauma because an employer failed to respond to a known or reasonably knowable risk.

Constructive discharge by an employee who reasonably feels that the threat of violence (or actual violence) has made the workplace intolerable.

Wrongful discharge in violation of public policy, a charge brought by an employee who constructively terminates, claiming that the employer violated its obligation to maintain a safe work environment, or who claims to have been discharged in retaliation for complaining about such violation.

Workplace Violence policies and procedures are complex and subject to frequent change by legislation and court decision. It is essential to consult your attorney before implementing any policy or practice. The materials in this packet do not constitute legal advice.

Through the local chapter of the American Bar Association, some attorneys in your community may be available to answer specific questions regarding Workplace Violence policies without charge.

I. Suggestions for Creating a Workplace Violence Policy

- A. Most Workplace Violence Policies contain at least five parts:
- Statement of Need (why have a policy)
 - Goal or Purpose (what is the policy designed to do?)
 - Scope (who will be affected by the policy?)
 - Penalties or Corrective Actions (what happens when violations occur?)
- B. Some Policies also contain:
- Opportunities (where is assistance available?)
 - Procedures (how will suspicions or evaluations be handled?)
 - Communications (how will training/education be conducted?)
 - Definitions (what do topics and terms mean?)
 - Expectations (where does responsibility lie within the company?)
- C. The Policies are followed by:
1. Sending letters to Employees explaining that the new policy has been implemented
 2. Requiring signed acknowledgement from employee on Policy Summary
 3. Implementing Intervention Program with complete protocols (who, what, when and how?)
 4. Implementing an Investigation and Remediation program with complete protocols
 5. Implementing Supervisory Training Program (define intervention procedures and policy)
 6. Implementing Employee Education Program (define issues, expectations, resources and policy)
 7. Implementing and promoting Employee Assistance Program (include referral and follow-up process)
 8. Consistently enforcing the policy to ensure equality with appropriate documentation, justification, and deliberation (include appropriate resources)
 9. Developing a Threat Assessment Team (including Human Resources, Security, Risk Management, etc...).

II. Sample Corporate Policy on Violence in the Workplace

Statement of Need

(**Company**) has a strong commitment to the health, safety and welfare of its employees, their families, and its customers. Widely available statistics and information indicate that the incidence of violence in the workplace is increasing and the effect is devastating to lives, business, and the community at large. Due to the potential for violence in the workplace, (**Company**) is concerned that the safety of our employees and the general public could be endangered. Our commitment to maintaining a safe and secure workplace requires a clear policy and supportive program relating to the detection, intervention, and prevention of workplace violence.

Goal

It is the goal of (**Company**) to provide a safe workplace by eliminating the hazard to health and job safety created by violent acts or situations. We believe this goal to be in the best interest of our employees, our customers, and our stockholders.

Scope

This policy applies to all employees of the company while on the job and to situations where an employee's off-the-job or off-premises conduct impacts work performance, undermines the public confidence in, or threatens the safety of that employee, co-workers or any other individual involved in the company's business. It is also intended to apply to employees of firms doing business with the company while on our premises.

Although the company has no intention of intruding into the private lives of its employees, we recognize that any forms of violence brought to the worksite or exhibited at the worksite can have an impact on safety and performance. Our concern is to assure that employees can perform their work duties in a safe environment.

Policy Guidelines

1. The company will not tolerate (zero tolerance) or condone violence, including homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage, or theft by employees. It is the policy of (**Company**) to maintain a workplace free of violence.
2. It is the policy of (**Company**) that employees who engage in violence in the workplace will be subject to disciplinary action up to and including termination.
3. It is the policy of (**Company**) to commit the resources necessary to achieve and maintain a violence-free environment. (**Company**) expects the full support of this policy by all employees and all persons doing business with the company.

Procedure

To provide a safe environment, the company will:

1. Establish definitive rules and regulations.
2. Provide increased awareness through training, education and communication on the subject of workplace violence.
3. Recognize that there may be employees who are under tremendous stress and/or stress related problems and stand willing to assist in the resolution of these problems by encouraging employees to seek help through the employee assistance program.

In addition, the company may take any or all of the following actions:

1. Send an employee for a psychiatric/psychological evaluation.
2. Inspect persons and their property in our employ or doing business with the company.
3. Cooperate with outside law enforcement agencies.
4. Take any other actions deemed necessary and appropriate by the company.

Expectations

Company Responsibilities

As a responsible employer and member of the community, the company will:

1. Increase employee awareness regarding the prevalence of violence in the workplace.
2. Administer programs that consider employee rights, are positive in their intent, and are within legal boundaries.
3. Document behavior and/or performance changes in employees (who, what, when, where, why?).
4. Support the establishment of programs to assist employees with anger and conflict issues that impact the workplace
5. Address rumors of threats or behavior changes.
6. Restrict discussions with the employee to the workplace.

Management Responsibilities

(Company) believes that each manager has the responsibility to:

1. Investigate all reported incidents of violence as appropriate.
2. Submit all investigations to Human Resources or Designated Persons.
3. Follow-up on all recommendations from Human Resources or Legal Council.
4. Initiate any and all preventive measures to reduce the threat of violence in the workplace.

Employee Responsibilities

(Company) believes that each employee has the responsibility to:

1. Not engage in any actions, behaviors, or discussions that may lead to acts of violence in the workplace
2. Participate in and support Company sponsored violence prevention education programs.
3. Seek and accept assistance for anger or conflict related issues before job performance or the worksite is affected by them.
4. Support company efforts to eliminate violence in the workplace among employees where it exists.

Prohibitions

(Company's) policy prohibits the following:

- A. Any incident of a threat or actual commission of an intentional harmful action against an employee by a co-worker, contractor, or visitor on worksite premises.
- B. Possession of property belonging to others.
- C. Intentionally causing harm to others.
- D. Violations of the standards of company professional conduct.
- E. Intentional destruction of company or other's property.
- F. Actions or inactions causing life-threatening situations.
- G. Conduct that threatens the safety or wellbeing of others.
- H. Threatening physical harm to others.
- I. Fighting or disorderly conduct on company property.
- J. Unauthorized possession of firearms, explosives, or weapons on company property.
- K. Intimidation, veiled threats, sabotage, stalking, instigating violence, or creating a hostile environment when on the worksite.
- L. Harassment, discrimination, or unlawful retaliation of any kind.
- M. Failure to carry out an appropriate directive from an authorized supervisor.
- N. Swearing or abusive language on the worksite.

Consequences for Violation of the Workplace Violence Policy

1. Violation of this policy may result in severe disciplinary action, including termination, at the sole discretion of the company.
2. In addition to any disciplinary action, the company may, in its sole discretion, refer the employee to treatment or counseling for violent behavior. Employees referred to such a program by the company must immediately cease any violent behavior, must consent to periodic reviews and must comply with all conditions of the treatment or counseling program and disciplinary action. After successful completion of all requirements of this

section, the employee will again be subject to periodic reviews. Appropriate company representatives shall determine whether an employee referred to treatment or counseling because of workplace violence should be reassigned to another position.

3. (**Company**) will promptly terminate any employee who is a repeat offender either while undergoing or after completing treatment or counseling, if such treatment or counseling is required by the company.
4. (**Company**) will promptly terminate any employee who possesses any weapon in the workplace.

Definitions

1. The term “violence in the workplace” means any behavior that threatens the safety of the employee, co-workers, or any other individual involved with company business. Workplace violence can be, but is not limited to, homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.
2. The term “weapons” means any firearm or object that has been designed with the intent the intent to harm another person or property or any object which has been designated through misuse to inflict harm to another person or property.

Communications

To assist employees in understanding and avoiding the risk of workplace violence, (**Company**) will provide a workplace violence program for employees and supervisors. The company will use this program in an ongoing educational effort to prevent and eliminate violence in the workplace. The violence in the workplace awareness program will inform employees about:

1. The prevalence of violence in the workplace
2. (**Company's**) violence in the workplace policy
3. The availability of treatment and counseling for employees who voluntarily seek such assistance.
4. The sanctions (**Company**) will impose for violations of its violence in the workplace policy.

Implementation

Each division, subsidiary or affiliate of (**Company**) will be responsible for establishing and implementing detailed policy and procedures, specific to its needs, in support of this policy. Each of these policies is subject to central review for consistency with the corporation's policy. It is the responsibility of the Corporate Human Resources Department to interpret the Corporate Violence in the Workplace Policy.

III. Sample Letter to All Employees

Workplace violence has become a national problem. Over the past several years, there has been a significant increase in the number of incidents involving workplace violence.

As you are aware, (**Company**) has always been committed to providing a safe work environment that fosters the health and well-being of our employees. Workplace violence jeopardized this commitment and undermines the capability of (**Company**) to produce (or provide) quality products and services.

To address this problem, (**Company**) has developed a policy regarding workplace violence. We believe this policy best serves the interests of all employees. Our policy formally and clearly states a zero tolerance for violence in the workplace. This policy was designed with two basic objectives in mind: 1] employees deserve a work environment that is free of violence and 2] this company has a responsibility to maintain a safe and healthy workplace.

Please read our workplace violence policy and be familiar with its procedures. We believe it is important that we all work together to assure that we maintain a safe and rewarding place to work.

Sincerely,

President
(**Company**)

IV. Sample Workplace Violence Policy Statement

(**Company**) is committed to providing a safe work environment and to fostering the health and well-being of its employees. This commitment is jeopardized when any (**Company**) employee commits any act of violence in the workplace. Violence can include any behavior that threatens the safety of employees, co-workers, or any other individuals involved with company business. Workplace violence can be, but is not limited to homicide, physical attacks, emotional abuse, verbal abuse, harassment, sexual assaults, property damage, sabotage or theft.

Therefore, (**Company**) has established the following policy:

1. Violation of this policy may result in severe disciplinary action, including termination, at the sole discretion of the company.
2. In addition to any disciplinary action, the company may, at its sole discretion, refer the employee to treatment or counseling for violent behavior. Employees referred to such a program by the company must immediately cease any violent behavior, must consent to periodic reviews, and must comply with all conditions of the treatment or counseling program and disciplinary action. After successful completion of all requirements of this section, the employee will again be subject to periodic reviews. Appropriate company representatives will determine whether an employee referred to treatment or counseling because of workplace violence should be reassigned to another position.
3. (**Company**) will promptly terminate any employee who has a repeated offense of workplace violence while undergoing or after completing treatment or counseling when such treatment or counseling is required by the company.
4. (**Company**) will promptly terminate any employee who possesses any weapon in the workplace.

It is the responsibility of the company's supervisors to counsel employees whenever they see changes in performance or behavior. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about resources available to them for obtaining help. Everyone shares responsibility for maintaining a safe work environment.

The goal of this policy is to provide a safe and productive work environment. The intent of this policy is to offer a helping hand to those in need while sending a clear message that there is zero tolerance of violence in the workplace.

I have read, understand and will comply with (**Company's**) policy on workplace violence.

Signature

Date