



**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES**

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TITLE:

WORKPLACE VIOLENCE PROGRAM

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I. POLICY

All State departments shall continually assess their workplaces for the potential for workplace violence and other workplace hazards, develop policies and programs to mitigate or eliminate hazards and acts of workplace violence, including harassment, intimidation, threats of violence, and other disruptive behaviors that are consistent with exposures in their respective departments. All reports of disruptive behavior shall be taken seriously and dealt with appropriately.

II. RATIONALE

Experienced and trained employees are one of the State's most valued resources. Their commitment to serving the people of Hawai'i effectively and efficiently must be supported by the State's commitment to provide workplaces that are free from hazard, harassment, intimidation, threats of violence, and other disruptive behaviors.

III. DEFINITIONS

"Disruptive behaviors" means behavior that interrupts or impedes the progress, movement, or procedures of an employee.

"Domestic violence" means the use of abusive or violent behavior, including threats and intimidation between people who have an ongoing or prior personal relationship.

"Intimidation" means engaging in actions that include, but is not limited to, stalking or behavior that is intended to frighten, coerce, or induce duress.

"Physical attack" means unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

"Property damage" means damage to property, including property owned by the State, employees, visitors, or vendors.

"Threat" means an expression, verbal or non-verbal, of an intention to inflict physical or mental harm or injury. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional, or expected in the future.

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"Workplace violence" means, but is not limited to, intimidation, threats, physical attack, domestic violence or property damages, acts of violence committed by State employees, clients, customers, relatives, acquaintances, or acts of violence committed by strangers against State employees in the workplace.

"Zero tolerance" means the State will not condone inappropriate behavior as identified above and will investigate all reports of workplace violence and take appropriate disciplinary measures up to and including discharge, based upon its investigative findings and the severity of the offense.

IV. SCOPE

This policy and procedure applies to all State government workplaces under the executive branch, excluding the University of Hawai'i and the department of education who shall provide their own policy and program oversight.

V. RESPONSIBILITIES

A. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT ("HRD")

HRD shall provide oversight assistance to departments in the development and implementation of the Workplace Violence Program. HRD shall:

1. Provide departments with technical and consultative services by assisting departments in the development of internal workplace violence prevention and management programs so they are equipped to carry out the intent of their policies;
2. Develop and implement a workplace violence awareness training program that includes recognition of conditions and behaviors that may lead to or increase the risk of violence and the means and methods to reduce such risks to employees during working hours;
3. Develop and implement the workplace violence training program for supervisors and managers on identifying disruptive behaviors, investigation of workplace violence complaints, employer negligence situations, and the consequences of inaction;

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4. Collect and analyze incident information to track trends in workplace violence;
5. Consult with departments whenever their training programs identify potential workplace problems; and
6. Consult and provide services and expertise, as needed, including labor relations, workers' compensation, safety, suitability, post-event counseling, and other relevant areas.

B. DEPARTMENT HEADS

Each department head shall create and maintain a workplace that is designed to prevent and manage workplace violence which shall include the development of a comprehensive workplace violence prevention and management program. (See Attachment A for an overview of potential program components.) Each workplace prevention and management program shall, at a minimum, include:

1. Identifying and assessing potential internal and external workplace violence risk potential;
2. Developing a policy statement establishing that workplace violence is prohibited;
3. Reviewing departmental histories of disruptive behaviors and address workplace violence risk potentials;
4. Designating a department coordinator to be responsible for the overall implementation of a workplace violence prevention and management plan;
5. Establishing a crisis or workplace violence management team (see Attachment B) or an approach that identifies and mobilizes appropriate resources, as needed;
6. Developing and implementing a written workplace violence prevention and management plan to include:
 - a. A process for disseminating the department's workplace violence policy to new and existing employees;
 - b. A procedure for employees and supervisors to report violations of the department's workplace violence policy

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(see optional Employee's Report of Workplace Violence, HRD Form 416);

- c. A procedure for investigating a report of a violation of the department's policy, including a description of department preparedness and precautionary measure to be taken in responding to acts of threats of violence (see optional Investigator's Summary Record, HRD Form 417);
 - d. A procedure for providing instructions to all employees regarding proper response to acts or threats of violence;
 - e. A procedure for reporting, collecting, and maintaining information regarding incidents of workplace violence; and
 - f. A procedure for facilitating critical incident stress debriefing for employees who have been affected by an event related to trauma and victimization.
7. Providing training for supervisors and managers so they in turn foster safe and healthy work environments by learning to:
- a. Recognize signs and symptoms of potential workplace violence;
 - b. Prevent and manage workplace violence by utilizing all management and employee resources (see Attachment C) including that of the departments of health, accounting and general services, human resources development and the attorney general, as needed;
 - c. Report all incidents and potential workplace violence situations to a supervisor and the departmental personnel officer;
 - d. Communicate the reporting procedure to subordinate employees;
 - e. Identify employees who are afflicted or traumatized by workplace violence and provide counseling and other employee assistance programs (see Attachment C) to assist employees to return to normalcy to the extent possible;

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- f. Provide consequences to perpetrators of workplace violence;
- g. Release jurisdiction of perpetrators to the criminal justice system, where appropriate; and
- h. Understand the potential legal consequences for inaction or inappropriate action to incidents of workplace violence.

C. EMPLOYEES

- 1. All employees shall be required to attend a workplace violence training program that includes the recognition of conditions and behaviors that may lead to or increase the risk of violence and the means and methods to prevent or reduce the risk of workplace violence to employees and supervisors;
- 2. All employees are encouraged to be alert to the possibility of violence on the part of co-workers, former employees, customers, and strangers;
- 3. Employees shall report acts of threats of violence to their supervisor, manager, or the personnel office; and
- 4. All reports of violence shall be handled in a confidential manner, with information released on a need-to-know basis.

VI. GENERAL PROVISIONS

- A. Each employee shall be provided a copy of the department's workplace violence policy.
- B. The following actions are prohibited:
 - 1. Engaging in workplace violence as described herein;
 - 2. Using, possessing, or threatening to use an unauthorized weapon during a time covered by this policy; and
 - 3. Misusing authority that is vested to any employee of the State in such a way that violates this policy.
- C. A violation of this policy is unacceptable and may be grounds for disciplinary action, up to and including discharge.

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- D. When a threat is received and management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger of the employee to him/herself or other employees.
- E. Retaliation against any employee who, in good faith, reports a violation of this policy shall be prohibited. Every reasonable effort shall be made to protect the safety and anonymity of any who comes forth with concerns about a threat or act of violence.
- F. Where appropriate, departments shall refer employees who commit acts of violence to civil authorities.

VII. PROCEDURES

- A. Departments that are exposed to or potentially exposed to workplace violence shall develop and implement a workplace violence program that includes elements which are consistent with the exposure and with HIOSH safety and health standards.
- B. Workplaces which may have a higher potential for workplace violence are those whose functions include:
 - 1. Transacting programs that handle cash and/or possess other liquid assets;
 - 2. Approving or disapproving certifications, licenses, permits, etc.;
 - 3. Approving or denying human services warrants, coupons, outreach services, etc.;
 - 4. Denying or deciding not to provide services that a customer may perceive as a right; and
 - 5. Imposing discipline, termination, or disapproving actions that an employee may perceive as a right or benefit.

Or whose offices include instances of:

- 6. Inappropriate exercise of police powers;
- 7. Weapons in the workplace;
- 8. High grievance, attrition, aggression, sick, or injury rates;

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9. Staff who have continuing disruptive domestic conflict that spill over into the workplace; and
 10. Staff with unresolved interpersonal conflicts and relationships.
- C. Departments shall assess the risk potential of a workplace violence act that occurs in the department, division, or worksite.
 - D. If a potential for workplace violence exists, the department shall develop a workplace violence program that is consistent with addressing the type of exposures, the kinds of conditions existing in the workplace, and HIOSH safety and health standards.

VIII. AUTHORITIES AND REFERENCES

A. AUTHORITIES

Chapter 396, Hawai'i Revised Statutes, *Occupational Health and Safety*

B. REFERENCES

Workplace Violence: Prevention, Intervention, and Recovery, State of Hawai'i, Department of the Attorney General, October 2001

IX. ATTACHMENTS

- Attachment A: Workplace Violence Mitigation and Prevention
- Attachment B: Workplace Violence Management/Crisis Management Team
- Attachment C: References and Assistance – State, County, and Low or No-Cost Assistance

Employee's Report of Workplace Violence, HRD Form 416

Investigator's Summary Record, HRD Form 417