



Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Youth Services

Official Policy

Policy Name: Prohibition of Workplace Violence and Workplace Violence Prevention and Crisis Response Plan

Policy #: 01.06.01(a) **Effective Date:** July 1, 2023

Repeals: 01.06.01

References: Executive Order 442, Zero Tolerance for Workplace Violence
101 CMR 19.00, Workplace Violence Prevention and Crisis Response Plan
Human Resources Division (HRD) Policy of Zero Tolerance for Workplace Violence
DYS Policies on Serious Incident Reporting, Code of Conduct, Investigations
DYS Statewide Incident Response Team Procedures
Employee Support Services Information and Resource Guide

Signature:

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Cecely Reardon, Acting Commissioner

Applicability: This policy shall apply to DYS employees, contract provider employees, individual contractors, volunteers, and interns as detailed. Providers are expected to have their own policy covering this topic that apply to their workforce including but not limited to employee discipline and benefits.

Policy

It is the policy of the Department of Youth Services (DYS) that DYS does not tolerate workplace violence in any state or contracted provider operated DYS location or in any vehicle in which DYS or related Commonwealth business is conducted. In compliance with Executive Order No. 442 and Regulation 101 CMR 19.00, this policy, procedures and the attached DYS Workplace Violence Prevention and Crisis Response Plan address identifying, responding, reporting, and reviewing incidents of workplace violence and the support and services available to employees who are victims of or witnesses to workplace violence.

All incidents of workplace violence are reported through Serious Incident Reporting, responded to and/or investigated by the DYS state or provider residential or community location, and reviewed regularly by the DYS Safety Committee to determine equitable, effective responses and develop preventive measures.

This policy addresses workplace violence incidents that occur between employees; between employees and youth; between employees and acquaintances, partners or spouses; and between employees and the public. Incidents that occur between youth are addressed in other policies and advisories including but not limited to the Serious Incident Reporting Policy and DYS Statewide Incident Response Team Procedure.

Procedure

A. Definitions

1. The following definitions shall have the meanings assigned to them in this policy for purposes of interpreting this policy.

Center of Expertise (COE): The Commonwealth's agency responsible for investigating Human Resource related complaints across the HRD Secretariat.

Contracted Provider Employee: Individual employed as a contracted employee or by a contracted provider individually or on a capacity building contract for DYS.

Employee: Individual employed by DYS, including as a volunteer or intern and for the purposes of this policy includes contracted provider employees unless otherwise specified.

Employee Support Services Staff: Senior management staff that provides information, support and resources to state employees who experience emotional, psychological, or physical trauma because of a workplace incident.

Incident Response Team (IRT): Regional team that reviews serious incidents in programs and community locations involving youth-on-youth violence, youth on staff violence, serious escape plots or attempts, significant damage to location property or other incidents.

Location Manager: Manager of a state or contracted provider location including Program Directors and Assistant Program Directors.

Personnel Serious Incidents: Allegation(s) that include but are not limited to sexual harassment, workplace bullying/harassment, workplace violence, discrimination as defined by G.L. c. 151B, retaliation and/or serious incident as defined by DYS and involve state employees, contracted provider employees, interns, or volunteers. These are incidents that do not involve any DYS youth.

Safety Administrator: DYS Central Office senior manager who monitors employee safety trends, hazards and existing safety measures in the agency and makes recommendations for ways to improve employee safety.

Safety Committee: Group comprised of DYS Regional and Central Office employees including senior managers, executive leadership, Training, Human Resources Unit, Residential and Community Operations, Support Services Division, labor relations, and union leadership that meets to survey safety and health hazards, review agency safety measures and make recommendations on ways to improve employees' safety and health pursuant to Executive Order 511.

Workplace: Any site or location where DYS or the Commonwealth's business is conducted, including state or contracted provider programs, property, or vehicles. It also includes business offices where youth may not be directly served.

Workplace Violence: Those Personnel Serious Incidents and Youth Related Serious Incidents directed at employees that include but are not limited to physical assault or battery; property damage; intimidation or threats communicated by any means; and other disruptive or aggressive behavior that causes a reasonable person to be in fear of their personal safety or that of a colleague.

Youth Related Workplace Violence Serious Incidents: Includes the following DYS Serious Incident allegation(s) when such incidents involve youth **and are directed at** state employees, contracted provider employees, interns, or volunteers:

- Youth involved in a shooting or stabbing
- Sexual boundary violation, sexual abuse, sexual exploitation, sexual harassment, and/or retaliation
- Destruction of property
- Emergency Response involving a youth in DYS leased/owned/funded location
- Group disturbance within any DYS leased, owned/funded location (all times)
- Physical assault
- Threat to person or property with notification to law enforcement
- Threatening or disruptive behavior by visitor

Workplace Violence Prevention and Crisis Response Plan: The DYS specific plan appended to this policy that addresses workplace violence incidents and the agency response to such incidents.

2. Terms that are defined Policy #01.01.04, "Policy Definitions" shall have the meanings assigned to them in that policy, unless a contrary meaning is specified.
3. Terms not defined in Policy #01.01.04 or in this policy shall have the meanings assigned to them by reasonably accepted standard dictionary definitions of American English.

B. Identification and Response to Workplace Violence

1. All employees shall foster a climate that is free of workplace violence, encourages reporting of workplace violence, and responds to incidents of workplace violence.

- a. Workplace violence includes incidents that take place between employees; between employees and youth; between employees and acquaintances, partners or spouses; and between employees and the public.
 - b. Any use of DYS or Commonwealth resources to engage in workplace violence is prohibited including the use of work hours or break times, or any property, supplies, or equipment, including, but not limited to computers, fax machines, scanners, vehicles, interoffice mail, and phones.
2. Employees shall:
 - a. Report behavior they believe to be workplace violence; and
 - b. Cooperate in the investigation of workplace violence as detailed here and in the DYS Investigation and Code of Conduct policies.
 3. In the event of a workplace violence incident, the Supervisor, Location Manager or designee shall take immediate steps to ensure the safety of the victim(s), other employees and youth, including calling the state or local police as necessary.
 4. The Location Manager or designee shall meet with any youth who witnessed an incident of workplace violence to address any immediate safety concerns and the need for follow up medical care or clinical intervention.
 5. Immediately following a workplace violence incident, the Supervisor, Location Manager, or designee shall review the DYS Workplace Violence and Crisis Response Plan and take necessary steps.

C. Workplace Incident Reporting Through Serious Incident Reporting Policy

1. Employees shall immediately report any incident of workplace violence to their Supervisor or Location Manager and comply with DYS Serious Incident Reporting Policy before the end of the shift or the close of business.
2. The Supervisor or Location Manager shall preserve video footage, if any, of the incident.
3. Any state employee who fails to report workplace violence or who makes a false allegation of workplace violence may be subject to discipline, up to and including termination. Any contracted provider employee, volunteer or intern who fails to report an incident of workplace violence or who makes a false allegation of workplace violence may be prohibited from working at DYS locations consistent with the DYS Code of Conduct.
4. DYS will not tolerate retaliation by an employee toward another employee or toward a youth for reporting an incident of workplace violence. Any allegation of an act of retaliation will be investigated. Retaliation by a DYS employee may result in discipline, up to and including termination. Any act of retaliation by a contracted provider employee may result in prohibition of that individual from working at a DYS location.

D. Investigations of Workplace Violence

1. All incidents defined as workplace violence are subject to the DYS Serious Incident Reporting and Investigations Policy and may result in an investigation by the DYS Investigations Unit, a request for internal review by the location, a report to law enforcement, and/or an investigation by the Executive Office of Health and Human Services Human Resources Department or the COE.
2. *Workplace Violence – Involving Personnel Serious Incidents and Review by COE:* In accordance with the DYS Investigation Policy, all allegations of workplace violence and/or retaliation for reporting workplace violence involving only state employees will be reviewed for referral to the COE and/or investigated by DYS.
 - a. State Employees may report incidents directly to the COE.
 - b. Incidents of workplace violence involving a DYS state employee that are screened out by the COE may be investigated by DYS in accordance with the DYS Investigations Policy.
3. *Workplace Violence – Youth Related:* All incidents of workplace violence that involve an employee and a youth, as defined by this policy, will be reviewed to determine what response is required. Such responses will include:
 - a. Review in accordance with the DYS Investigation Policy; and
 - b. Review by the DYS Location where the incident occurred which may include responses as detailed in the Workplace Violence Prevention and Crisis Response Plan, attached as addendum.
4. Any DYS employee who is accused of an act of workplace violence may be placed on administrative leave or be temporarily reassigned pending an investigation of the matter. The document notifying the employee of these actions will include a provision that the employee stay away from their work location and the alleged victim(s) and notice that violation of these conditions may result in disciplinary action up to and including termination. It may also include a provision to stay away from witnesses.

E. DYS Workplace Violence Prevention and Crisis Response Plan

1. The DYS Workplace Violence Prevention and Crisis Response Plan, as attached, defines workplace violence incidents and details the response required, including the reporting and investigation requirements for such incidents.
2. As a part of this Plan, the DYS Safety Administrator along with the DYS Director of Investigations, Regional Directors, and DYS Executive Staff, or their designees, shall conduct monthly reviews of workplace violence incidents. The reviews will identify causes and responsive actions, track trends, and extract lessons learned. The DYS Safety Committee will review the findings from the reviews and recommendations for workplace violence prevention strategies.

3. The DYS Safety Committee shall consider and develop, as needed, changes to or additional policies, procedures, and safety protocols to ensure a consistent, coordinated response to workplace violence including:
 - a. Specific changes to operational practices at specific locations based on the individual incidents; and
 - b. Wider responses including a risk assessments, identification, and implementation of preventative measures to reduce the risk of workplace violence.
4. The identity of individuals including youth and employees involved in workplace violence incidents reviewed by the Safety Committee shall remain confidential.
5. The DYS Workplace Violence Prevention and Crisis Response Plan shall be reviewed annually by the DYS Safety Committee.
6. Upon request, DYS shall report to EOHHS about compliance with 101 CMR 19.00, including its workplace violence prevention and crisis response plan described in 101 CMR 19.04.

F. Training

1. DYS employees and contracted provider employees shall complete training on workplace violence and human service worker safety training upon hire through Basic Training and at least every two years thereafter. Trainings must educate on ways to reduce risk violence and implement workplace violence awareness and prevention.¹
2. All DYS direct care employees must complete DYS Annual Review Training which incorporates the required information on human service worker safety training. All other DYS state employees who do not complete the DYS Annual Review shall complete the required EOHHS Human Service Worker Safety Training and Workplace Violence Training.
3. All DYS contracted provider employees must complete human services worker safety training through their own agency unless the provider agency submits a plan² approved by EOHHS to have their employees complete DYS Basic Training and Annual Review Training.

¹ DYS was granted a waiver by EOHHS for its direct care human service workers who participate in DYS Basic Training and DYS Annual Review Training (an alternative training program) from the EOHHS on-line training because those trainings meet EOHHS' minimum requirements. All other DYS employees must participate in the required EOHHS on-line training.

² Contracted Providers are required to obtain certification directly from EOHHS before relying on DYS Basic Training and Annual Review Training to satisfy training requirements.

	<i>Commonwealth of Massachusetts</i>
	Executive Office of Health and Human Services
	Department of Youth Services
	DYS Workplace Violence Prevention and Crisis Response Plan (dated July 1, 2023)

The Massachusetts Department of Youth Services (DYS) is committed to safety in the workplace for all state and contract provider employees, interns, and volunteers. To better protect employees from workplace violence, the Executive Office of Health and Human Services (“EOHHS”) promulgated a regulation that requires every EOHHS agency to address *Human Service Worker Safety* by establishing a workplace violence prevention and crisis response plan. In conjunction with the *DYS Policy on Prohibition of Workplace Violence*, this plan details the specific steps for identifying, responding, reporting, and reviewing incidents of workplace violence and providing support and services for employees who are victims/witnesses to such violence in the workplace.

Please post this *DYS Workplace Violence Prevention and Crisis Response Plan* in a prominent location for review.

Section I: Identification of Workplace Violence. The EOHHS Policy, *DYS Policy* and EOHHS regulation define workplace violence as follows.

A. Workplace Violence: Includes but is not limited to physical assault or battery, or both; property damage; intimidation or threats communicated by any means; or other disruptive or aggressive behavior that causes a reasonable person to be in fear of his or her personal safety or that of a colleague.

Workplace violence can include actions or communications in person, by letter or note, by telephone, by fax, by electronic mail, or through social media.

Workplace violence includes incidents between employees, between employees and youth, between employees and acquaintances, partners or spouses and employees and the public.

B. Please see attached *Prohibition of Workplace Violence Policy* for the specific *DYS* serious incidents that are considered *Workplace Violence*.

Section II: Responses to Workplace Violence

A. All incidents: Within 24 hours of a workplace violence incident, the Supervisor, Location Manager, or designee shall take the following steps:

1. Contact and/or conduct a meeting with the employee(s), face-to-face whenever possible, to offer support and review available resources.
2. Review the option to develop a Safety Plan as needed or requested.
3. Preserve any video of the incident, if applicable.

4. Contact the DYS Employee Support Services Staff (ESS), and/or HR Unit, or contracted provider Human Resources Unit as needed or requested. During business hours, ESS can be reached by calling 617-571-6876
5. Offer state employee(s) the free and confidential services of the Employee Assistance Program (EAP) Mass4You available 24/7 at 1-844-263-1982 their website www.liveandworkwell.com.
6. Comply with relevant policies, procedures, or processes for the specific type of incident up to and including contacting the state or local police as necessary.

B. Workplace Violence Incidents Involving an Employee and a Youth: When the workplace violence incident involves an employee and a youth, the Supervisor, Location, Manager, or designee shall offer the employee one or more of the following:

1. **Incident Response Team (IRT) Process:** The IRT is a departmental process that was developed to provide employees impacted by certain youth-related serious incidents, including workplace violence, with a forum to share their concerns and input regarding the appropriate response to the youth's behavior.

An IRT meeting may be convened at the program where the youth resides or at the youth's assigned District Office. The Incident Response Team should include the DYS Caseworker, District Manager or Director of Community Services if applicable, and the Program Director or Facility Administrator, the Director of Residential Services where applicable, and the Regional Director or Director of Operations, a member of the clinical team or the Regional Clinical Coordinator, and any employee(s) involved. The IRT will review the Serious Incident Report and statements and view any available video tape of the incident if applicable. The IRT will also conduct a face-to-face meeting with the youth involved in the incident unless the youth is facing criminal action related to the incident.

The purpose of the IRT is to send a clear message to the youth, focusing on the impact of his or her behavior and acknowledgement that this incident has harmed the employee(s) involved and DYS community. The youth's treatment plan will then be reviewed, and possible changes discussed. IRT outcomes can range from supporting consequences imposed by a program, to making recommendations to the Regional Review Team (RRT) or Revocation Hearing Officer and/or Regional Director of Placement.

It is recommended that the IRT process be tailored to meet the individual needs of the affected employee based in part on the nature of the incident. If the employee chooses not to participate in the IRT meeting, they may provide input regarding the emotional, psychological, financial, and/or physical impact of the incident and recommendation(s) for outcomes. It is not a requirement that an affected employee participate in an IRT meeting. In all situations, Regional Senior Managers should work with an employee regarding the ideal composition of the group for the IRT meeting and expand or limit members accordingly.

The Director of Operations or their Designee shall document the outcome of any IRT in the youth's file. Such documentation shall include a listing of participants, requested action, and the IRT's response.

2. **Assistance Filing a Criminal Complaint:** While DYS specifically has a Memorandum of Agreement with AFSCME, Council 93 Unit 2, Local 1368 regarding the filing of criminal complaints, any state or contracted provider employee who is assaulted by a DYS youth may request information and/or assistance in filing a criminal complaint from the Regional Director or designee, or through the local or state police or district court.³ Employees who are involved in the court process because of an assault by a youth shall receive support from Regional Senior Management and the DYS General Counsel's Office. Supervisors, Location Managers, and employees may also contact the DYS Employee Support Services at 617-571-8676 regarding the criminal complaint process and for assistance with court-based resources. Please also refer to DYS **Frequently Asked Questions and Information for State Employees on the Criminal Complaint Process.**

3. **Immediate Consequences for Youth:** Following any youth-related incident of workplace violence, DYS will review with the youth that there will be immediate consequences to their conduct consistent with the DYS's Behavioral Management system. Such consequences may depend on the youth's status with DYS:
 - ii. For youth in detention, information will be provided to the presiding Court to consider in pending proceedings.
 - iii. For all youth, they should be informed that their conduct will impact their ability to gain behavioral incentives in the program, may require additional repair work, or lead to the development of an Individual Support Plan (ISP) and/or participation in an Incident Response Team Process (IRT).
 - iv. For committed youth, information will be provided to the RRT to consider in transition planning, placement decisions and may be used as the grounds for a request to extend treatment and/or a change of placement. In this circumstance, the employee may provide input prior to the meeting.
 - v. If appropriate, the Supervisor or Location Manager may informally mediate between the youth and affected employee(s) for a desired and/or restorative outcomes including verbal or written apology.

C. **Other Pending Matters:** Responses to youth, employees, contracted providers, volunteers, and interns shall consider any potential or pending criminal, DYS and/or DCF investigations including 51A requirements and what statements and/or questioning can occur at such time. Questions shall be referred to the DYS General Counsel's Office.

Section III: Reporting Requirements

A. Location Reporting Requirements

1. All reports of workplace violence incidents should be made to the Supervisor or Location Manager and comply with the requirements of the DYS Serious Incident Reporting Policy.

³ In all cases, the Department respects an employee's right to file a criminal complaint however the agency is not legally empowered to file an application for a criminal complaint on their behalf.

2. If applicable, video footage two hours prior to and following the incident shall be preserved in accordance with the DYS Investigations Policy.
3. Within 3- 5 business days of receipt by the Safety Administrator, the Regional Directors of Operation shall complete the electronic Workplace Violence Incident Response link to provide all applicable information.

Section IV: Review of Plan

The DYS Safety Committee shall conduct a review of the Workplace Violence Prevention and Crisis Response Plan and applicable policies annually, including all reported incidents and measures taken. Based on this review, and consistent with applicable policies and procedures, the plan may be modified and additional preventative measures to reduce the risk of workplace violence may be implemented.