**Commonwealth of Massachusetts**

**Human Resources Division**

## Policy of Zero Tolerance for Workplace Violence

**Policy Statement**

Workplace violence undermines the integrity of the workplace and the personal safety of the individual employee. Therefore**,** the Commonwealth maintains a zero tolerance policy for workplace violence. Effective immediately, it is the policy of the Commonwealth that all of it**s** employees work in an environment free from workplace violence.

# Authority

Executive Order #442 establishes a zero tolerance policy for workplace violence and requires state agencies to promptly disseminatewritten copies of the policy to allemployees. 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 Human Resources Division (HRD) requests agencies adopt this policy**,** as written**,** in compliance with Executive Order #442. This policy does not prohibit agencies from continuing more stringent policies that may currently be in effect, such as those implemented by public safety agencies. This policy is not intended to replace or supersede agency or department policies relative to the lawful use of force.

# Definition of Workplace Violence

For the purposes of this policy, “workplace” is defined as:

* Any Commonwealth owned or leased property;
* Any location where Commonwealth business is conducted;
* Commonwealth vehicles or private vehicles being used for Commonwealth business;
* In addition, workplace violence can occur at any location if the violence has resulted from an act or decision made during the course of conducting Commonwealth business.

Workplace violence includes but it not limited to the following:

* Physical assault and/or battery;
* Threats and/or acts of intimidation communicated by any means that cause an employee to be in fear of their own physical safety or that of a colleague;
* Disruptive or aggressivebehavior that places a reasonable person in fear of physical harm and/or that causes a disruption of workplace productivity; and/or
* Property damage.

Violent behavior can include actions or communication in person, by letter or note, telephone, fax, or electronic mail. Incidents of workplace violence may be acted out individually or take place between employees, employees and clients/customers, employees and acquaintances/partners and employees and the general public.

**Roles and Responsibilities:**

**HRD shall:**

* Issue, update and advise agency personnel how to implement the statewide Workplace Violence Policy;
* Coordinate and deliver training to agency senior executive staff, mangers, supervisors, and employees on the Commonwealth’s policy and workplace violence awareness, using curriculum developed by HRD’s Training and Development Group in coordination with the Executive Office of Public Safety;
* Disseminate informational materials for all employees, managers, and supervisors;
* Convene and conduct regular meetings of the HRDCritical Incident Workplace Safety Team comprised of senior managers representing HRD’s Office of Employee Relations, Legal, Executive*,* Civil Service, and Training and Development Group to respond to individual agency requests for assistance in specific workplace violence cases; and
* Designate a workplace violence coordinator to support the implementation of Executive Order #442.

**Agency Heads shall:**

* Ensure that the Workplace Violence Policy is adopted and implemented;
* Ensure that each employee receives a copy of the Workplace Violence Policy;
* Foster a climate in which victims feel comfortable reporting incidents of workplace violence;
* Contact HRD’s Training and Development Group to arrange workplace violence awareness training targeting senior executive staff, managers, and supervisors and subsequently to all employees within the agency;
* Strongly encourage employees to report workplace violence behavior to the appropriate supervisors/managers;
* Ensure that managers appropriately document and swiftly investigate reports of workplace violence;
* When necessary, notify state/and or local police in response to serious incidents of workplace violence;
* Establish a Safety Incidence Team comprised of senior executive staff representing agency human resources, labor relations, security, training, and legal to devise and review policies, procedures and safety protocols, and to ensure consistent, coordinated responses to acts of workplace violence;
* Ensure written workplace protection plans are devised for employees who are
* victims of workplace violence; and implement any necessary workplace safety protocols designed to further protect employees from harm; and
* Provide the names of the designated workplace violence coordinator and the names of members of the safety incidence team to the Personnel Administrator.

**Employees shall:**

* Ensure that they do not participate in any form of workplace violence
* Cooperate in the investigation of alleged workplace violence; and
* Report behavior in the workplace they believe to be workplace violence to their supervisor, or the police when appropriate.

**Procedures for Investigation and Disciplining Perpetrator**

**As stated above,** the Commonwealth maintains a zero tolerance policy for workplace violence. All agencies are mandated to take all instances of workplace violence seriously. The following are guidelines for disciplining perpetrators:

* All agencies shall immediately report incidents of workplace violence that include physical assault and/or battery, and/or threats to do physical harm, to the appropriate law enforcement authorities;
* All investigations of workplace violence will be conducted in a manner that is sensitive to the safety concerns and privacy of the victim(s), the perpetrator, and all witnesses.
* Agencies must follow existing provisions in the collective bargaining agreements when disciplining perpetrators;
* Acts of workplace violence are among the most serious forms of misconductand may result in discipline commensurate with the severity of the misconduct**,** including, but not limited to:
	+ An oral reprimand;
	+ A written reprimand to be placed in the perpetrator’s personnel file;
	+ Loss of accrued vacation time (where not prohibited by statute, regulation or collective bargaining agreement);
	+ Suspension, demotion, or termination, or;
	+ Any combination of the above**.**
* In the interim, between a charge and the final disposition of a workplace violence case, agency heads may take action to address employees’ safety concerns. Depending on the severity of the charge, such action may include placing the alleged perpetrator on leave with or without pay.
* In addition to the measures mentioned above**,** disciplinary measures may include the successful completion of counseling, anger management education or other equivalent programs.