

1099.0 VIOLENCE IN THE WORKPLACE

1099.1 Introduction

The Department of Human Services (DHS or Department) requires all managers, supervisors, and employees to be knowledgeable of workplace violence, and to take steps to identify and report all indications of early symptoms of workplace violence.

1099.2 Definition of Workplace Violence

Workplace violence is any threatened or actual conduct by an individual against persons or property that is sufficiently severe, offensive, or intimidating so as to alter the conditions of state employment, or to create a hostile, abusive, or intimidating work environment for one or more DHS employees. Behavior constituting threats or acts of violence can include any expression that communicates a direct or indirect threat of physical harm.

1099.2.1 Workplace violence includes, but is not limited to:

- A. All threats or acts of violence occurring on DHS property or workplaces, regardless of the relationship between the Department and the individual involved in the incident
- B. All threats or acts of violence not occurring on DHS property or workplaces, but involving someone who is acting in the capacity of a DHS representative
- C. All threats or acts of violence not occurring on DHS property or workplaces, but involving a DHS employee if the threats or acts of violence affect the legitimate interests of the Department
- D. Harassment, intimidation, or other disruptive behavior on or off DHS property or workplaces affecting the Department

1099.2.2 Off-site workplace violence can include incidents at business-related functions such as conferences where DHS is a participant, at social events related to work, or even at home, such as where a threatening telephone call to an employee's home threatens violence at work. Workplace violence can affect or involve employees, visitors, contractors, and other non-state employees.

1099.3 Definitions

1099.3.1 Harassment: Any behavior that demeans, embarrasses, humiliates, annoys, alarms, or abuses a person with words, and that is known or would be expected to be unwelcome

1099.3.2 Intimidation: Inducing fear in others or bullying them through threats or violence

1099.3.3 Oral or written threats: Any expression of intent to inflict harm

1099.3.4 Perpetrator: Any person who threatens or perpetrates an act of violence, including domestic violence.

1099.3.5 Threatening behavior: Acts that express intent to inflict harm

1099.3.6 Verbal abuse: Crude or obscene language, swearing, insults or condescending language

1099.3.7 Violence: The use of physical force that could or does injure individuals or that could or does cause damage or destroy property. Hitting, shoving, pushing, kicking individuals, knocking over objects or furniture are examples of violence.

1099.4 Responsibilities:

1099.4.1 DHS needs the cooperation of all employees to implement this policy effectively and to maintain a safe working environment. The expectation is that each employee will treat all other employees, as well as clients, contractors, and visitors with dignity and respect.

1099.4.2 Employees' Responsibilities

- A. To be familiar with Department policy regarding workplace violence
- B. To be responsible for securing their own workplace
- C. To be responsible for questioning and/or reporting strangers to supervisors
- D. To be aware of any threats, physical or verbal, disruptive behavior of any individual, or any of the indicators of increased risk of violent behavior listed in Section 1099.6.2.A. and report such to supervisors
- E. To be familiar with local procedures for dealing with workplace threats and emergencies
- F. Not to confront individuals who are a threat
- G. To be familiar with the resources of the Employee Assistance Program
- H. TO TAKE ALL THREATS SERIOUSLY

1099.4.3 Supervisors' Responsibilities

- A. To inform employees of Department/agency workplace violence policies and procedures
- B. To ensure that employees know specific procedures for dealing with workplace threats and emergencies, and how to contact police, fire, and other safety and security officials.
- C. To ensure that employees with special needs are aware of emergency evacuation procedures and have assistance (as necessary) regarding emergency evacuation situations
- D. To respond to potential threats and escalating situations by utilizing proper resources from the following: local law enforcement and medical services, Human Resources staff, and the Employee Assistance Program.
- E. To ensure that appropriate staff receive training on the importance of workplace safety and security.
- F. To provide for briefings on workplace violence as appropriate at staff meetings.

G. TO TAKE ALL THREATS SERIOUSLY

1099.4.4 Human Resources Staff

- A. To provide for supervisory training which includes basic leadership skills, such as setting clear standards of conduct and performance, addressing employee problems promptly, and using the probationary period, performance counseling, discipline, alternative dispute resolution, and other management tools conscientiously
- B. To provide technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations.
- C. To determine whether sufficient evidence exists to justify taking disciplinary action once the investigation of any misconduct is complete.
- D. To help supervisors determine proper reasonable accommodation.

1099.4.5 DHS Director and Division Directors

- A. To ensure that a copy of the Workplace Violence Policy is available to all employees and that all employees are aware of the procedures and instructions in them.
- B. To ensure that workplace violence training is included in all employee orientation and supervisory training sessions

1099.4.6 Perpetrator's Responsibilities

Any employees who have been perpetrators of domestic violence shall:

- A. Contact the Employee Assistance Program's office for confidential consultation and resources
- B. Contact a local abuser's intervention program

1099.4.7 Retaliation

DHS will not tolerate retaliation against an employee for reporting a possible or actual incident

1099.5 The Phenomenon of Workplace Violence

As recently as the 1970s, workplace violence was virtually unheard of. However, data suggests that there may be as many as two million incidents of workplace violence in the United States each year, affecting one in four employees over the course of their work life. As with many complex social phenomena, it is difficult to find a simple explanation. Most experts agree that the following contribute in a significant way to the situation:

- A. Inappropriate stress levels in the workplace, which can be caused by downsizing, reorganization, and higher workloads on individual employees
- B. The increasing prevalence of substance abuse in the workplace
- C. The general pervasiveness of violence in our society, including the easy availability of weapons, excessive violence in the media, and the general

acceptance among many in the population that violence is an acceptable way to resolve differences.

- D. Mistrust and animosity among different ethnic, social, and racial groups in the workplace, with concomitant difficulties in communication

1099.6 Prevention

A sound prevention plan is the most cost effective part of the workplace violence program. Prevention is the responsibility of every employee. This section focuses on some measures to reduce the risk of violent behavior.

1099.6.1 Likelihood of Occurrence

Research suggests that employee violence is more likely to occur in workplaces where morale is low, where employees believe that they are not treated with dignity or respect. Workplaces where employees believe that they are treated “fairly,” where there is a sense of “employment security,” lateral or upward movement is possible, and workers have some perceived control over their jobs are less likely to be interrupted by violence.

1099.6.2 Early Warning Signs of Potential Violence

The main concern of many people is how to identify potentially violent individuals. While past behavior is generally the best predictor of future behavior, there is no specific “profile” of a potentially dangerous individual. However, analysis indicates that there are patterns of behavior and events that frequently precede episodes of violence.

- A. Below is a list of indicators of increased risk of violent behavior. While human behavior cannot be accurately predicted, the behaviors below should be viewed with concern.
 1. direct or veiled threats of harm
 2. intimidation, belligerence, bullying or other inappropriate behavior directed at others
 3. numerous conflicts with supervisors and employees; verbal comments indicating expression of hostility directed at coworkers, supervisors, or others
 4. inappropriate reference to guns or fascination with weapons
 5. fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
 6. statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems
 7. signs of abuse of drugs/alcohol on or off the job
 8. extreme or uncharacteristic changes in behavior or displays of emotion

- B. Such behaviors should be reported immediately. Some behaviors require immediate police or security intervention, others require disciplinary action, and others indicate an immediate need for an EAP referral.
- C. Sometimes, small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. Early involvement is the appropriate intervention. It is important to remember the employee must be treated with dignity, mutual respect and fairness in this process. Some of these types of behavior are listed below.
 - 1. Withdrawal from friends, coworkers, and/or one's social circle
 - 2. Reduced productivity
 - 3. Unexplained absence from work area or marked increase in tardiness and/or absenteeism
 - 4. Noticeable deterioration of personal hygiene and appearance

1099.6.3 Common Issues Triggering Workplace Violence

- A. These are generally characterized as either employee issues or workplace issues. The following are employee issues:
 - 1. Negative performance review
 - 2. Unwelcome change in duties due to performance or reorganization
 - 3. Criticism of performance
 - 4. Conflict with coworker or supervisor
 - 5. Personal stress outside the workplace
 - 6. Increased workload pressure
- B. The following are workplace issues:
 - 1. No clearly defined rules of conduct
 - 2. Lack of training
 - 3. Inadequate hiring practices/screening of potential employees
 - 4. Insufficient supervision
 - 5. Lack of discipline or inconsistent discipline in workplace
 - 6. No or inadequate employee support systems
 - 7. Failure to address incidents as they occur
 - 8. Overly authoritarian management style

1099.6.4 Prevention factors

- A. Three factors that may prevent a potentially violent situation from occurring are:

1. Recognizing the early warning signs (often there is a change in a persons behavior preceding an episode of violence)
 2. recognizing issues or events that may trigger violence
 3. intervening early to prevent a violent incident from occurring
- B. It is, however, important to be careful not to draw assumptions or to rely on any of the above behaviors as indicators of violence. Almost everyone experiences stress, loss, or illness at some time or other. Many experience the workplace and organizational conditions cited above. All but a very few people handle these disruptions and conditions without resorting to violence. The intervention should focus on supporting the employee through these disruptions and managers should be trained to deal with these difficulties.

1099.6.5 Conducting risk and threat assessments

A. Definition

Whenever a situation in the workplace arises, it is important that an assessment occurs to determine the degree of risk. All threats must be treated in a serious manner. The purpose of a threat assessment is to identify the potential perpetrator, assess the risks of violence by that potential perpetrator, and manage the subject and the situation risks in a way that protects employees.

B. Gather Information

1. It is clear that the agency will not always have the information that would be useful in order to make the best assessment, but will have to use information at hand. The following items are necessary for violence to occur:
 - a. the opportunity that permits the behavior to occur
 - b. the individual must have access to the intended victim
 - c. the individual has the will to commit the act
 - d. there are normally precipitating factors that generate the act of violence
2. It is important to know, if at all possible, who the intended victim(s) is/are. The individual may display animosity toward a particular person (referred to as victim of choice) or the person may simply lash out randomly at anyone who is present (victim of opportunity).
3. In addition, it is important to assess how the individual verbalizes any apparent statement/threat about violence in the context of the person's known history. For example, the person may make a:
 - a. direct threat, e.g. "I am going to kill you."
 - b. conditional threat, e.g. "If you don't stop giving me warnings, I will get even with you."
 - c. veiled or hidden threat, e.g. "Something bad might happen to your family," not direct or contingent.

4. It should be kept in mind that some persons who make threats actually carry them out; some persons who make threats do not carry them out; and some persons who commit an act of violence never made a threat.
5. Threats are best understood in the context of the history of the person making the threats, e.g. do they have a history of aggressive behavior at work, are they showing signs of deteriorating performance, etc.? Direct or conditional threats clearly need to be addressed immediately, either via law enforcement or the DHS progressive discipline process. Veiled threats require more judgment on the part of the evaluator. Other variables that may be assessed include the individual characteristics and assessment of the current situation in the workplace (e.g. is there downsizing going on, is the person undergoing progressive discipline?) to determine if precipitating factors are present. If in doubt, an investigation is critical and should take place immediately.
6. If the situation is high-risk, person identified as a victim if a clear victim is identified should be notified, a physical separation should be created between the intended victim and the individual making the threat to reduce the likelihood of confrontation, and the proper law enforcement authorities should be notified.

1099.6.6 Pre-Employment Screening

Pre-employment screening is a critical component of a prevention program. Questions must be consistent with State and Federal laws and regulations and appropriate for the position being considered. Human Resources should make sure that managers and supervisors should be advised on appropriate interview questions and interviewing techniques, conducting reference checks, and determining the need for a background check.

1099.6.7 Additional Prevention Actions

The following is a list of other possible prevention activities:

- A. clear reporting procedures
- B. means to conduct threat assessments and determine appropriate interventions
- C. work site risk analysis of both the organizational climate and the workplace environment
- D. hazard prevention and control plan
- E. education and training on warning signs and management style, stress management, conflict resolution, communication skills, proper disciplinary practices, stress and self esteem
- F. physical security measures (CCTV, alarms, electronic access systems, photo ID badges, public/private office areas, guards, and natural barriers such as counters)
- G. evaluation and improvement

1099.6.8 Complaint Investigation

- A. Designation of a person to be responsible for conducting the investigation
- B. Establishment of protocols for the investigation
- C. Gathering information
- D. Analysis of data collected
- E. Review of investigator's findings and recommendations

1099.7 Response Procedures

1099.7.1 What to do if a person is angry or hostile

- Stay calm and listen attentively
- Maintain eye contact
- Be courteous and patient
- Keep the situation under one's control

1099.7.2 Strangers in the Workplace

No unauthorized person shall be in the workplace. If an employee sees a stranger in the workplace, the employee should:

- Ask the person politely why the person is there, or whom the person is there to see
- Escort the person to the employee he or she is there to see
- Alert management if the person acts suspiciously

1099.7.3 What to do when a threat is made, Employee's Responsibility

- Do not ignore violent or non-violent disruptive behavior whether by a DHS employee or not
- Attempt to get away from the person without further incident
- Report the threat immediately to one's immediate supervisor or anyone in the chain of command
- Document what happened and who else witnessed the behavior
- Submit the documentation to one's supervisor

1099.7.4 What to do when a threat is made, Supervisor's Responsibility

Supervisors should immediately evaluate any reported alleged threat or act of violence by assessing:

- Whether an imminent risk of harm to persons or property exists
- The perceived intent and capacity and means to fulfill the threat
- The duration of the risk
- The likelihood that harm will occur

1099.7.5 What to do if evaluation of the circumstances do not indicate an imminent risk of harm to persons or property, Supervisor's Responsibility

- Document the circumstances associated with the event, including a record of information from any individual involved in or witnessing the incident
- Provide an assessment of the cause of the circumstances
- Report the incident and seek guidance and assistance in assessing options and developing a plan of action for following up on the incident

1099.7.6 What to do if evaluation of the circumstances indicate an imminent risk of harm to persons or property

- Call 911 immediately
- Take the actions described in Section 1099.7.4 above

1099.7.7 What to do when an act of violence occurs

- If possible, call 911 immediately
- If possible, immediately report the event to one's immediate supervisor or anyone in the chain of command
- Avoid any action that may provoke the individual further, which may increase the risk of injury
- Focus on the problem, not the individual
- Be attentive to what the individual is communicating
- If appropriate, close doors and alert others to do the same. Stay in protected office areas.
- Document what happened as soon as possible after the incident, and list witnesses

1099.7.8 What to do in a hostage situation

- Remain calm, do not panic, cooperate as necessary
- Avoid any action that may provoke or anger the individual further or increase any risk of injury
- Attempt to escape quietly – if possible without risk to self or others
- Leave the area and call 911
- Follow the directions from 911 personnel

1099.7.9 Interviewing a potentially violent employee (employee made a direct, conditional, or hidden threat)

- Interview in pairs, never alone
- Interview away from work stations, perhaps in conference rooms
- Place the interviewers between the employee being interviewed and the door in case discussion escalates to violence
- Allow the interviewee sufficient space so as not to feel trapped, crowded, or threatened
- Act calmly, be courteous and patient, and remain in control
- Maintain eye contact
- Use active listening skills, acknowledge the person's feelings, repeating back so as to communicate that the interviewers want to understand

- Try to determine what is causing the employee's behavior and if the causes are work or non-work related (personal)
- Determine how the employee believes the problem can be resolved
- Avoid judgmental or accusatory statements
- Allow the interviewee to save face
- Adjust the interview style to meet the need of the subject
- Offer support to the interviewee via EAP

The interviewer should establish enough of a relationship with the interviewee so that he or she will talk about the incident. The interviewee may not want to talk or may complain of intimidation. He or she may leave during the interview. If this occurs, the interviewer should document what was said, mannerisms, gestures, tone of voice.

1099.8 Incident Management: DHS Policy 1090, Incident Reporting

The procedures of Policy 1090 are activated in any situation in which a DHS client, employee or member of the general public engage in threatening or disruptive behavior of such a nature that it causes fear of imminent injury or destruction of property.

1099.9 Sanctions

A violation of this policy shall be considered unacceptable personal conduct as provided in DHS Policy 1084, Employee Discipline: Conduct/Performance and may be grounds for disciplinary action up to and including dismissal. Other actions that may be taken against a perpetrator include mandatory participation in counseling, criminal arrest and prosecution, and such legal remedies as are described in Section 1099.11.

1099.10 Current Restraining Orders

If any employee has a restraining order on file with a law enforcement agency and the employee believes that the person who is the subject of the order may attempt contact with the employee at the workplace in violation of the order, the employee must report this to his or her supervisor, who in turn must report the information to management. It is the responsibility of the employee filing the restraining order to provide a copy of the order and a photograph, if possible, of the person whom the order is against.

1099.11 Legal Remedy

Arkansas Code Annotated §11-5-115 provides that the Department may, in addition to, or instead of filing criminal charges against the individual who has committed an act or threat of violence, seek a temporary restraining order, a preliminary injunction, or an injunction, prohibiting further unlawful acts by that individual at the DHS workplace. The workplace shall include any place where work is being performed on behalf of the Department.

The law provides that if the Department acts in accord with §11-5-115, it shall be presumed to be acting in good faith and ordinarily shall be immune from civil liability for those actions. In addition, if DHS chooses not to utilize the remedies in the Code, it shall not be liable for negligence.

1099.12 Department Contact

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