

Town of Topsfield
Workplace Violence Policy

Adopted on: **October 21, 2019**

By: **Board of Selectmen**

1. PURPOSE AND SCOPE

This Policy establishes the standards, procedures and safeguards that will encourage and foster a work environment that is characterized by respect and healthy conflict resolution; reduce the potential for violence in and around the workplace; mitigate the negative consequences for employees who experience or encounter violence in their work lives; and ensure that appropriate resources are available to employees who may be victims of workplace violence.

2. POLICY STATEMENT

The Town of Topsfield is committed to maintaining a safe, healthy and secure work environment free from violence, harassment, intimidation, threats, violent acts and other disruptive behavior. As such, the Town maintains policy against workplace violence or the threat of violence by any of its employees, officials, customers, the general public, and/or anyone who conducts business with the Town. All reported incidents will be taken seriously, and will be dealt with appropriately. Such behavior can include not only acts of physical violence, but also oral or written statements conducted by mail, telephonic or telecommunication device or electronic communication device including but not limited to electronic mail, Internet communications, text, instant messages, social media, or other expressions that communicate a direct, indirect, or perceived threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to criminal prosecution. Such employees may also be subject to disciplinary action, up to and including termination from employment.

3. APPLICABILITY

This policy applies to all Town of Topsfield employees, elected or appointed officials, volunteers, and all other persons while on town property or in the conduct of town business.

4. DEFINITIONS

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

- Any Town of Topsfield owned or leased property;
- Town vehicles or private vehicles being used for Town business;
- Any location where Town business is being conducted;
- Any location in which violence occurs if that violence resulted from an act or decision made during the course of conducting Town business.

For the purposes of this policy, “violence” includes, but is not limited, to the following:

- Physical attacks or harm to another, including, assault and/or battery (such as, for example, slapping, stabbing, punching, kicking, hitting, striking, pushing or shoving, or other physical attack);

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists, using disparaging or derogatory comments or slurs or name calling);
- Threats or attempted threats, coercion, and/or acts of intimidation or harassment communicated by any means including but not limited to in person, telecommunication device, electronic communication, electronic mail, Internet communication or instant/text messaging (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individual or property;
- Disruptive or aggressive behavior that places a reasonable person in fear or apprehension of physical harm;
- Brandishing or displaying a weapon with the potential to inflict harm. Weapons include, but are not limited to: any firearm; any device principally designed to cause bodily injury; objects that can be used in a dangerous manner (i.e., hammers, crowbars, pipes), any knife (including razors, pocketknives, switchblades), explosive devices, or any other instrumentality that has the potential to inflict harm.;
- Domestic violence (as defined below);
- Willful and malicious destruction of Town or personal property; and or
- Other acts of violence committed by Town employees, clients, customers, tenants, relatives, acquaintances or strangers against Town employees in the workplace or where the Town business is being conducted.

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

- Engaging in actions directly or indirectly that includes but is not limited to stalking or behavior intended to frighten, coerce, threaten, or otherwise induce duress.

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

- The expression of an intent to cause physical, emotional, or mental harm or distress. 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 future;
- Threats need not be made in person, but can be made through any means, including but not limited to telecommunication device, electronic communication, electronic mail, Internet communication or instant/text messaging.

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

- Unwanted or unpermitted hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

For the purposes of this policy, “domestic violence” is defined by G. L. c. 209A and additionally defined as:

- The use of abusive or violent behavior, including threats and intimidation, between people who are family or household members, have an ongoing or prior dating relationship. This could include people who are married, live together or previously been married, lived together, dated, or have a child in common.

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

- Intentional or unintentional damage to property and includes property owned by the Town, employees, visitors or vendors, as a result of an instance of violence as defined in this policy.

5. POLICY

Prevention of Workplace Violence

The Town subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the actions imposed for violating this policy, and providing a reporting hierarchy within which to report incidents of violence without fear of reprisal.

Department supervisors should recognize early warning signs of employee stress: a change in personality; verbal conflicts; anxiety; family problems; suspected alcohol or drug abuse; gambling; or losing out on a promotion or raise. A supervisor who overhears or is made aware of any type of verbal threat, whether direct or veiled, shall take immediate action as directed in this policy. In addition, supervisors shall keep Department Heads informed of such ongoing incidents even if they appear minor in nature at the time of occurrence.

Department Security Audits

Whenever the physical layout of the workplace is significantly altered, the Department Head will examine the escape routes of the work area and communicate any changes to all department employees. On an as-needed basis, the Department Head may request a security audit from the Police Department to determine available security measures. All employees should openly communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of a violent incident.

Reporting an Incident of Workplace Violence

Employees who observe or who are the victim of violent behavior by anyone on Town property shall report the incident immediately to a supervisor or Department Head, whether or not the alleged offender is a Town employee. Each incident of violent behavior, whether the incident is committed by another employee or an external individual such as a customer, vendor, or citizen, must be reported and assessed by the Department Head.

Any act of violence or threat of violence, or any emergency situation should be reported immediately to the Topsfield Police Department either by the victim, the Department Head, the Town Administrator or any other person who becomes aware of such a situation.

Incidents of workplace violence which may include but are not limited to verbal abuse, perceived intimidation, or harassment, or any similar non-emergency situation shall be reported to the Department Head for assessment and investigation.

Departmental supervisors have an obligation to act in accordance with this policy and make a report to their Department Head any time they become aware of an incident where workplace violence has occurred, or where circumstances known to the supervisor regarding a particular individual may lead to workplace violence.

All reports of violence will be evaluated immediately, and appropriate action will be taken, where possible, in order to help protect the employee(s) from further violence. Appropriate disciplinary action may be taken when it is determined that an employee has committed threats or acts of violence in violation of this Policy.

For questions by an employee regarding any aspect of workplace violence, or when the employee is unsure to whom a report of possible workplace violence should be made, the employee may contact either the Department Head or the Town Administrator.

Department Head Responsibility Upon Receiving a Report

The Department Head will assess the initial report of an incident to determine the appropriate action to be taken in accordance with this policy even in cases where the reporting party disagrees with the outcome of such assessment or the subsequent actions to be taken.

The Department Head shall document and report all assaults, threats or other serious incidents of workplace violence to the Topsfield Police Department immediately for investigation in appropriate circumstances. Any emergency situation, or any assault believed to be imminent, presently occurring or has just occurred, or any threats of a serious nature shall be reported to police prior to any other action being taken. An administrative investigation may be conducted concurrent with any criminal investigation, in cooperation with the Police Department.

The Department Head shall report **all** incidents of workplace violence, as well as circumstances which may lead to workplace violence, to the Town Administrator. Such report shall be made to the Town Administrator regardless of whether the incident was initially reported to the police; whether it will be handled internally within the employee's Department; or whether the Department Head determines the complaint is unfounded.

The Department Head will advise the reporting party that even in cases where the report is determined to be unfounded or where no further formal action is warranted, the reporting individual has the right to contact the Topsfield Police Department for information regarding legal options available to him or her as a possible victim of a crime.

The Department Head will conduct administrative investigations in a confidential manner, to the extent possible.

Police Response to Workplace Violence

An integral component of this zero tolerance policy is the fact that all cases of workplace violence may be prosecuted. As such, if after investigation the police have probable cause to believe that an act of workplace violence was committed by a particular individual, criminal charges may be filed even in circumstances where the victim employee may not wish charges to be brought forward. In all cases of workplace violence involving a Town of Topsfield employee as a victim, the criminal charges will be filed by the police department and not by the victim employee.

Management Response Team

As necessitated by the seriousness of the incident, the Town Administrator may assemble a Management Response Team which may include Town Counsel, representatives from the Employee Assistance Program and

Police Department, and others as deemed necessary. The Management Response Team is responsible for establishing workplace violence protocol that may include but is not limited to:

- Evaluating the potential violence problems.
- Assessing an employee's fitness for duty (through mental health professionals)
- Establishing a plan for the protection of co-workers and other potential targets.
- Coordinating with affected parties such as victims, families, employees, media, or law enforcement personnel.
- Referring victims to appropriate assistance and community service programs.
- Assuring that immediate (within 24 hours) and on-going counseling is available to traumatized individuals.

Good Faith Reporting

Any employee who acts in good faith by reporting real or implied workplace violence will not be subject to any form of retaliation or harassment. Any action of this type resulting from a report of violence must be reported to the Department Head or the Town Administrator for investigation and decision regarding proper action.

Protective or Restraining Orders

The Town must be informed about individuals who have been ordered legally by judicial notice or by means of a No-Trespass notice to stay away from any Town employee or Town location. Any employee who applies for or obtains protective or restraining order shall provide the order, in confidence, to her/his Department Head.

Firearms

With the exception of police officers or other public safety personnel, the Town of Topsfield expressly prohibits the possession of firearms and/or other dangerous weapons by Town employees, vendors, customers or visitors while on Town property or while conducting business on behalf of or for the benefit of the Town. This prohibition applies even if an individual has a legal license to carry a firearm. The Town will take immediate and appropriate action to protect Town employees and workplace security. Persons who do not comply with this policy may be subject to disciplinary action, up to and including removal from Town property and/or termination from employment. This action is separate from any criminal penalties that may be pursued for violation of state laws. This section does not apply to specific Town properties where hunting is allowed by those properly licensed, however, employees may not hunt during work hours.

Current Employees

All Employees will be given a copy of this policy.

New Employees

Department Heads or their designee will acquaint all new employees with the Town's procedures regarding

reporting incidents of violence, what to do if the employee is subjected to violence and/or if an incident of violence actually takes place, and how to cope with the after effects of an act of violence.

Employee Assistance Referrals

Employees who are victims of or witnesses to workplace violence may contact the Town's Employee Assistance Program (EAP) for counseling, emotional support, and assistance in developing a personal safety plan in the event of workplace violence; the Department Head may offer additional referral services to assist in coping with any effects of the incident. Should an employee commit an act of violence and it is determined in the investigation that the employee did, in fact, commit the violent act, he/she may be referred to the EAP by the Department Head. In these cases, failure by the employee to keep an initial appointment with the EAP may result in disciplinary action, in addition to any disciplinary action taken for the underlying violation of this policy.

Violations

It is a violation of this policy to engage in any act of workplace violence. It shall also be a violation of this policy if any employee fails to cooperate in any investigation the Town deems necessary to enforce this policy. Any employee who has been determined by the Town Administrator to be in violation of this Policy may be subject to disciplinary action, up to and including dismissal. Any acts of violent conduct committed during scheduled off-duty status may also be grounds for disciplinary action, up to and including dismissal, in appropriate circumstances. Although criminal prosecution may result from any incident of workplace violence, neither prosecution nor conviction is a necessary prerequisite for administrative disciplinary action of an employee.

WORKPLACE VIOLENCE POLICY

This acknowledges that I have received and reviewed the Town of Topsfield Workplace Violence Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding workplace violence are continually evolving. Therefore, I understand that my annual review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

Department: _____

To be included in employee’s personnel file.