

904 Workplace Violence Prevention

The Town of Webster has a long-standing commitment to promoting a safe and secure work environment that promotes the achievement of its mission of serving the public. All employees of the Town of Webster are expected to maintain a working environment free from violence, threats of harassment, violence, intimidation or coercion. While these behaviors are not prevalent at the Town of Webster, no organization is immune.

The purpose of this policy is to address the issue of potential workplace violence in the Town of Webster, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to follow when such violence has occurred.

Policy Statement – The Town of Webster prohibits workplace violence. Violence, threats of violence, intimidation, harassment, coercion or other threatening behavior towards people or property will not be tolerated. Complaints involving workplace violence will not be ignored and will be given the serious attention they deserve. Individuals who violate this policy may be removed from the Town of Webster property and are subject to disciplinary and/or personnel action up to and including termination, consistent with the Town of Webster policies, rules and collective bargaining agreements, and/or referral to law enforcement authorities for criminal prosecution. Complaints of sexual harassment are covered under the Town of Webster's policy against sexual harassment.

The Town of Webster, at the request of an employee or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on the Town of Webster property unless necessary to transact the Town of Webster-related business. This policy particularly applies in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The workplace violence prevention law and regulations specify that employers must provide for employee participation in the workplace violence prevention program through an authorized employee representative. Authorized Employee Representative (s) have a right to, as minimum, be involved in:

- Evaluating the physical workplace environment to determine workplace violence risk factors;
- Developing the Workplace Violence Prevention Program; and
- Reviewing workplace violence incident reports at least once a year to identify trends in the types of incidents reported, if any, and evaluate the effectiveness of safeguards and actions taken to reduce the risk of workplace violence.

Scope – All employees, members of the public, vendors, contractors, consultants, and others who do business with the Town of Webster, whether in the Town of Webster facility or off-site location where the Town of Webster business is conducted, are covered by this policy. This policy also applies to other persons not affiliated with the Town of Webster, such as former employees, and visitors. When employees have complaints about other employees, they should contact their supervisor.

Definition – Workplace violence is any physical assault or act of aggressive behavior occurring in the workplace. Workplace violence includes but is not limited to:

1. Any verbal or physical attempt or threat to inflict physical injury on an employee.
2. Any intentional display of force which gives an employee reason to fear or expect bodily harm.
3. Any intentional, wrongful, and nonconsensual physical contact with a person that causes injury.
4. Stalking an employee to cause fear of harm to an employee's physical safety and health.

Reporting of Incidents – Any Town of Webster employee who becomes aware of a physical assault, threatening behavior, or verbal abuse at the workplace must immediately report the facts and circumstances of violent incident to their Department Head and/or the Department of Human Resource. In the event that an employee witnesses or is involved in an incident of violence in which there is an immediate threat to the employee's safety or the safety of others or where a serious injury has occurred, the employee will immediately call 911 to obtain law enforcement and/or medical assistance and notify their immediate supervisor. The Department Head will immediately conduct a preliminary investigation into the facts and circumstances of the incident and make a prompt report to Human Resources using the Workplace Violence Incident Report. If the supervisor does not have an incident report, they should request one from Human Resources.

Responsibilities

1. Supervisor/Department Head

Each Department Head or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors must report to Human Resource any complaint of workplace violence made to them and any other incidents of workplace violence of which he/she becomes aware or reasonably believes to exist. If the complaint is about Human Resources, the Department Head should report the incident to the Town Supervisor. After having reported such incident to Human Resource, the Department Head should keep it confidential and not disclose it further, except as necessary during the investigation process and/or subsequent proceedings.

Department Heads are required to contact 911 immediately in the event of imminent or actual violence involving weapons or potential physical injuries.

2. Employees

All employees are responsible for creating an environment of mutual respect, following all workplace policies, procedures and practices and for assisting in maintaining a safe and secure work environment.

Employees must report workplace violence, as defined above, to their Department Head or supervisor. Recurring or persistent workplace violence that an employee reasonably believes is not being addressed satisfactorily or violence that is or has been engaged in by the employee's Department Head or supervisor should be brought to the attention of the Town Supervisor.

Employees who have obtained Orders of Protection are encouraged to notify Human Resource of any orders that list the Town of Webster locations as protected areas.

Victims of domestic violence who believe the violence may extend into the workplace or employees who believe that domestic or other personal matters may result in their being subject to violence extending into the workplace, are encouraged to notify their Department Head or the Human Resources Department. Confidentiality will be maintained to the extent possible.

Employees may submit suggestions for improvement to the Safety Committee, Human Resources or their authorized employee representatives.

3. Department of Human Resource

The Department of Human Resource is responsible for assisting Department Heads/Supervisors in responding to workplace violence; facilitating appropriate responses to reported incidents of workplace violence; notifying 911 of workplace violence incidents if necessary; and consulting with counseling services to secure professional intervention.

The Department of Human Resource is responsible for providing new employees with a copy of the Workplace Violence policy and prevention program. Upon hire, and annually thereafter, the Department of Human Resources will also be responsible for employee training. The Department of Human Resources will also be responsible for posting the policy statement throughout Town work sites and on the Town's website.

Employee Training – All employees will undergo workplace violence training during their initial hire and annually thereafter. Retraining is required any time there is a significant change to the Town of Webster's workplace violence prevention program, a newly identified risk factor, or a control measure addition.

Confidentiality – The Town of Webster may remove employee names from incident reports when privacy is a concern. In these cases, the phrase "Privacy Concern Case" will replace of the employee's name before sharing the workplace violence incidents report with anyone other than the Department of Labor unless required by law. The workplace violence prevention program describes the type of incidents that constitute privacy concern cases. In addition, any employee who was the victim of an incident of workplace violence can request that their name be removed from the workplace violence incident report.

Note: Information otherwise kept confidential for security reasons does not have to be disclosed to all employees. Examples of confidential information include but are not limited to information that would interfere with law enforcement investigations or judicial proceedings, would deprive a person of a right to a fair trial, would identify a confidential source or disclose confidential information relating to a criminal investigation, would reveal

criminal investigative techniques or procedures except routine techniques and procedures, or would endanger the life or safety of any person.

Retaliation – Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to disciplinary action, up to and including termination.