



Employee Safety and Health Program

Policy 11: Workplace Violence

Effective Date: July 15, 2008

References:

North Carolina State Personnel Manual, Section 8, Workplace Violence Policy

Memorandum from the Commissioner of Labor, March 26, 1996

North Carolina General Statute [95-260](#)

Purpose:

To provide a violence-free workplace for DOL employees, visitors, clients, and the public by: establishing preventative measures; appropriately responding to events that do occur; holding perpetrators of violence accountable; and providing assistance and support to victims.

Workplace violence Defined:

Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths. However it manifests itself, workplace violence is a growing concern for employers and employees nationwide.

Policy:

- I. The Department shall not tolerate violence to its **field or office** employees during the performance of their job duties.
- II. The Department shall take measures to prevent workplace violence, and to appropriately respond to each event which does occur. The Department shall regularly review incident reports for possible trends or hot spots and appropriately respond through training, procedures, equipment or other changes.
- III. Employees shall not take a weapon onto the premises of a government building or onto the premises of an entity being visited on official State business.
- IV. An act of off-duty violent conduct may also be grounds for dismissal. In these situations, the Department must demonstrate that the disciplinary action, suspension or dismissal is supported by the existence of a rational link between the type of violent conduct

committed and the potential adverse impact on a State employee's ability to perform assigned duties and responsibilities.

Procedures:

I. Planning and Prevention Assessment

- A. At least annually, the Employee Safety and Health Steering Committee shall perform an assessment of workplace violence and security based on reported events and stated concerns of employees.
- B. Based on the results of this assessment, the Employee Safety and Health Steering Committee shall develop recommendations to address any identified trends, weaknesses, and concerns for the Department, individual Units, buildings, and/or job groups. Recommendations may include: training needs, equipment and/or facility needs, additions or modifications to Department or Unit Procedures, and other recommendations as needed.
- C. The assessment and recommendations shall be presented to the Safety and Health Coordinator, the Deputy Commissioner for Administration, and the Deputy Commissioner for Occupational Safety and Health.

II. Workplace Violence

- A. Response to Workplace Violence and/or Criminal Activity Against Department Employees.
 - 1. Any employee who experiences violence and/or criminal activity while performing the duties of the job shall take measures necessary to withdraw from the situation.
 - 2. Any supervisor or person who is notified or becomes aware of workplace violence shall take immediate action to ensure the safety of affected persons and property and to stabilize the situation.
 - 3. Any employee may contact law enforcement if deemed necessary to ensure safety and security of the workplace.
- B. Notifications
 - 1. An employee who becomes aware of a possibility or the existence of violent or criminal activity or is subjected to verbal threats shall report to a supervisor or any member of management as soon as possible after the employee is personally safe from violence.
 - 2. If law enforcement authorities are involved, the notified supervisor or member of management shall ensure that the Unit Manager, the affected Deputy

Commissioner(s), and the Safety and Health Coordinator are notified as soon as possible.

3. The employee's supervisor shall record the violent activity and submit the completed report to the Employee Safety and Health Steering Committee within one (1) workday and submit it to the Employee Safety and Health Steering Committee Chairperson:
 - The affected Deputy Commissioner(s), or his/her/their designee
 - The Legal Affairs Division;
 - The Human Resources Division; and,
 - The Safety and Health Coordinator.
4. Employees receiving threatening phone calls shall document this activity on the Threatening Phone Call Information Sheet. Once the sheet is completed, it should be submitted to the State Capital Police for investigations. They will determine if any laws have been broken under North Carolina General Statute 14-277.1.

C. Investigation

1. Each reported incident of violence or criminal activity against an employee shall be investigated in accordance with Policy 9 of the Employee Safety and Health Program Manual.

D. Action Plan

As soon as is appropriate to the level of the incident(s), the Human Resources Division, in conjunction with the Unit Manager, shall coordinate with the employee, management, and others deemed necessary for the development and implementation of a plan of action. This plan shall include, and not limited to:

1. Enforcement and/or legal avenues to be pursued, if any.
2. Discipline and dismissal actions as described by the Department's Human Resources Policy.
3. Security measures to help reduce the likelihood and severity of acts of violence.
4. Recommendations for counseling and/or care for the affected employee and other employees, if necessary. Support and protections for victims including management's discretion in granting a victim leave time for medical, court, or counseling appointments related to trauma and/or victimization. The following options should be considered: flex scheduling, vacation leave, sick leave and leave without pay.

5. Crisis management of incident. Plans will be developed that will consider contingency operations, media management, internal communications of information and critical incident stress management for the victims and co-workers.
6. Persons responsible for agreed upon actions within the plan, and dates by which such actions should be taken.
7. Recommendations to prevent recurrence
8. When an incident reflects a potential for repeated Workplace Violence, no employee shall be sent to that worksite alone unless equivalent alternate procedures are implemented

E. Protective Orders

1. Employees who have obtained protective orders from a court of competent jurisdiction shall notify their supervisor or a member of management of the reasons and terms of such protective order.
2. The notified parties, in conjunction with the Employee Safety and Health Coordinator shall review such orders to determine if, and what, actions should be taken to protect the affected employee, co-workers, and Department property. These recommendations shall be presented to the affected Deputy Commissioner(s) for approval and assistance in implementation.

F. Confidentiality

Information regarding an act of workplace violence and/or criminal activity against a Department employee shall be treated as confidential. Information should only be released to protect the safety of the employee and others, unless otherwise required by law or policy.

G. Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

III. Dissemination and Training

A. Initial Training

1. Each employee shall receive awareness training on workplace violence prevention and the workplace violence protocol as detailed in the Department's policy.

2. New employees will be given an overview of the policy as part of their orientation
3. Supervisors shall receive training on topics including the skills to recognize signs and symptoms of the potential for workplace violence, preventing and managing workplace violence by utilizing all management and employee resources, establishing and communicating a procedure for reporting policy violations, offering support for trauma and/or victimization as well as providing consequences to perpetrators of workplace violence, and understanding legal obligation to act.
4. Department Management, and other staff likely to develop a workplace violence action plan, shall be trained in Crisis Management techniques.
5. Training shall be developed and implemented by the Employee Safety and Health Steering Committee and the Human Resources Division.
6. Identified employees shall receive any additional training recommended by the Employee Safety and Health Steering Committee, and/or the Safety and Health Coordinator, and approved by the affected Deputy Commissioner(s).

Approved:

 John Baldwin, Chief of Staff
 NC Department of Labor

 Allen McNeely, Deputy Commissioner
 Division of Occupational Safety & Health

 Date

 Date

 Review Date

 Andy Frazier, Deputy Commissioner
 Standards and Inspections Division

 Date