

U.S. Department of Commerce
Addressing Workplace Violence



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A handwritten signature in black ink, appearing to read 'Kevin E. Mahoney', written over a horizontal line.

Approved:

Kevin E. Mahoney

**Director for Human Resources Management and
Chief Human Capital Officer**

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Date

**Office of the Secretary
Office of Human Resources Management
Office of Policy and Programs**

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I. Introduction

Workplace violence (WPV) is a concern for agencies and employees in both the private and public sectors. WPV poses a threat to the safety of the employees and the public and affects productivity. While no organization is immune to WPV, it is the goal of the Department of Commerce (Department) to reduce the impact of such occurrences on our employees, contractors, and the public. The purpose of this policy is to provide guidelines on recognizing and responding promptly and effectively to potential and/or actual incidents of WPV.

II. Policy

It is the policy of the Department to promote and provide a safe work environment. In furtherance of this policy, the Department, with and through its employees, is committed to maintaining a workplace free of violence, threats of violence, harassment, intimidation, and other kinds of disruptive behavior.

All reports of workplace violence are taken seriously and dealt with appropriately. Individuals who engage in workplace violence or other disruptive behavior may be removed from the premises and may be subject to disciplinary action (up to and including removal), criminal penalties, or both.

Each bureau must develop and implement procedures for handling WPV consistent with this policy.

III. Definitions

Workplace – Any location, either permanent or temporary, where an employee performs work-related duty. This includes, but is not limited to, the buildings and surrounding perimeters, including parking lots, field locations, alternate work locations, and travel to alternate work locations while on work-related travel.

Workplace Violence – Any act of violent behavior, threats of physical violence, harassment, intimidation, bullying, verbal, or non-verbal threat, or other threatening, disruptive behavior that occurs at the workplace.

IV. Identifying Potentially Violent Situations

It is extremely important to recognize behaviors that can lead to potentially violent situations. Indicators of potentially violent behavior may include:

- Direct or veiled threats to cause harm to self or others
- Intimidating, harassing, bullying, or other inappropriately aggressive behavior toward others

- Numerous conflicts with others; conflicts that escalate unreasonably given the circumstances
- Bringing a weapon to the workplace
- Statements showing affinity with incidents of workplace violence, statements indicating approval of the use of violence to resolve problems, or statements indicating affinity with perpetrators of workplace violence
- Statements indicating contemplating suicide, violence, or other disruptive acts in the workplace
- Habitual alcohol use/abuse or use/abuse of illegal drugs
- Extreme changes in mood or behavior

V. Response to Potential and/or Actual Violent Situations

Any individual who is concerned for their safety or the safety of others due to a potential or actual violent situation should contact the Department security office at their workplace, Federal Protective Service, or local police immediately.

After an individual has contacted their building security or local police department, or if they are concerned for their immediate safety or the safety of others, any individual who is victimized or a witness to threatening and/or intimidating behavior is strongly encouraged to report it immediately to his or her supervisor or other management official. Once reported, the supervisor or management official must then report it to the appropriate authorities identified by each bureau.

VI. Responsibilities

Department employees, managers, and supervisors are responsible for creating and maintaining a safe work environment.

A. Employees

Each employee is accountable for his/her own behavior and is expected to interact in a responsible manner with fellow employees, supervisors, and others.

While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and inform their supervisor or other management official if someone exhibits behavior such as:

- Bringing a weapon into the workplace
- Displaying extreme resentment, hostility, or anger
- Making threatening remarks
- Exhibiting violent behavior
- Suicidal behavior/threats

Employees are responsible for supporting the Department policy and adhering to the procedures as defined by their bureau regarding workplace violence, threats, and emergencies. Employees are encouraged to report any known threats, physical or verbal, and/or disruptive behavior to supervisors or managers (if one's supervisor is the source of the threat, then the employee should report to a different supervisor or manager). Employees are encouraged **not** to confront individuals who are perceived as a threat.

B. Managers and Supervisors

Each manager and supervisor is accountable for his/her own behavior and is expected to interact in a responsible and professional manner with fellow supervisors, employees, and others.

Managers and supervisors are responsible for enforcing this policy, which includes taking administrative and/or disciplinary action, as appropriate. Managers and supervisors will discuss the situation with the appropriate servicing human resources office (SHRO) and the Office of the General Counsel (OGC) prior to taking any action. Referral of employees affected by such behavior to appropriate counseling services through the Employee Assistance Program (EAP) may be included in any initial actions. Managers and supervisors should:

- Inform employees of, and enforce, the Department's workplace violence policy and appropriate bureau procedures.
- Ensure that employees adhere to specific procedures as prescribed by their bureau for dealing with workplace threats and emergencies.
- Make sure that employees with special needs are aware of emergency evacuation procedures and have assistance (as necessary) in emergency evacuation situations.
- Respond to potential threats and escalation in accordance with bureau procedures, and when appropriate, resources from law enforcement (Federal, State, and local), medical services, the Office of Security (OSY), human resources staff, and the EAP.
- Take all threats seriously.
- Report incidents to appropriate officials immediately.
- Provide assistance and guidance to employees when working with victims.
- Encourage the use of EAP.

C. Servicing Human Resources Offices (SHROs)

SHROs are responsible for providing advisory services and assistance to managers and supervisors. The SHROs will:

- In conjunction with OGC, provide supervisory training that includes setting clear standards of conduct and performance, address employee problems promptly and at the lowest possible level, and use the probationary period, performance counseling, discipline, alternative dispute resolution, and other management tools conscientiously.
- Supply technical expertise and consultation to help managers and supervisors determine if administrative and/or disciplinary action is necessary or appropriate in

specific situations and assure that disciplinary action is proposed and administered in a fair and progressive manner. In consultation with OGC, advise managers and supervisors how to identify problem areas, and develop action plans to resolve problems in the early stages and at the lowest possible level.

- Determine whether sufficient evidence exists to justify taking administrative action, and, in consultation with OGC, make recommendations on appropriate discipline, once the investigation of any misconduct is complete.
- Ensure prompt coordination with the appropriate servicing security office of any administrative action deemed a concern for workplace violence (termination, suspension, or other significant adverse action).
- Convene a management group, when appropriate, to respond to potential or actual incidents of violence, including after-action review. Members should consist of SHRO, OSY, EAP, and OGC.
- Check employee references.

D. Employee Assistance Program (EAP) Counselors

The EAP offices are an important resource in addressing workplace violence situations and can assist managers and supervisors in strategizing and planning an effective response to violent or potentially violent incidents. Counselors bring a wealth of information and experience to situations that require expertise in dealing with many of the problems that employees, managers, and supervisors bring into their job environments from home, the workplace, and life. By intervening early in a conflict between two or more people, it may be possible to resolve problems at an early stage and at the lowest possible level.

EAP services may differ somewhat from bureau to bureau and location to location in their structure and scope of services. Confidentiality is an important aspect and it is common practice for EAP counselors to inform clients (in writing) about the limits of confidentiality on their first visit. While employees, managers, and supervisors are afforded considerable privacy under laws, policies, and the professional ethics of EAP professionals, the EAP staff is required to take appropriate action if information about a client is received that indicates a threat to themselves or other persons. This may include the release of information without the client's consent.

Some services that EAP may provide, depending on the scope of services under contract:

- Short-term counseling and referral services at no cost
- Assistance with the prevention of workplace violence, through:
 - information dissemination;
 - early involvement in organizational change;
 - training employees, managers, and supervisors in dealing with angry co-workers and stakeholders, conflict resolution, communication skills, and training on workplace violence prevention;
 - training employees, managers, and supervisors to deal with problems as soon as they arise;
 - organizational recovery after a violent incident;

- consulting with incident response teams upon request when a potential for violence exists or an actual incident is reported; and
- participation in critical incident stress debriefing teams in the event of a violent situation.

E. Office of Security (OSY)

OSY is responsible for:

- Providing technical advice and support regarding workplace violence matters
- Coordinating support with the local security office, FPS, or local law enforcement on workplace violence concerns
- Providing escorts or ready response, as appropriate, where OSY is resident and providing oversight/management of physical security programs, as Directors, Managers, or SHROs may require when confronting potentially violent employees
- Conducting investigations into allegations of workplace violence
- Ensuring dangerous or violent individuals are removed from Department facilities
- Making sure that dangerous or violent individuals are placed on a barred list and restricted from accessing Department facilities and staff
- Serving as the security expert for Department-owned or -leased facilities, keeping management advised of the risk of violence, the security gaps identified by the risk assessment, and the means to close these gaps
- Providing guidance and assistance to pre-employment screening efforts related to the personnel security program
- Coordinating with appropriate local law enforcement, FPS, or other agencies for potential criminal investigations

F. Labor Organizations (Unions)

The exclusive representatives of Department bargaining unit employees have a fundamental interest in supporting the Department's policy on workplace violence. Consistent with local collective bargaining agreements and past practices, the exclusive representatives can support the Department's workplace violence policy by:

- Working to help develop the Department's efforts to prevent workplace violence;
- Reporting security issues and/or potential threats; and
- Participating with management in the development of violence prevention policies.

G. Contracting Officer's Representatives (COR)

The COR is responsible for ensuring the appropriate procedures on workplace violence are communicated to contractors. A contract employee is accountable for his/her own behavior and is expected to interact in a responsible manner with others in the workplace. Incidents involving contract employees will be reported to the on-site supervisor, the appropriate COR, and if appropriate, the local security office, FPS, or local law enforcement. The COR must report

incidents involving contract employees to the appropriate officials, as identified in the bureau procedures.

VII. Deterring WPV

A successful effort to deter workplace violence consists of management and employees using a number of resources. These include:

A. Pre-Employment Screening

Management and supervisors, with the assistance of its SHROs, and OSY, will determine any pre-employment screening techniques that may be utilized, such as background and reference checks, provided those techniques are non-discriminatory, job-related, and consistent with business necessity, and drug testing, if the position is a testing designated position.

B. Security

Managers and supervisors will comply with existing OSY Manual of Security Policies and Procedures to ensure that appropriate security measures are in place. Access control systems, wearing of issued badges, effective guard service, and liaison with law enforcement are deterrents to workplace violence. OSY will also provide guidance in the development of Occupant Emergency and Lockdown plans for owned and leased Department facilities.

C. Alternative Dispute Resolution (ADR)

ADR may be effective in resolving disputes when a conflict has been identified before potential workplace violence erupts by using one of these techniques: facilitation, mediation, interest-based problem solving, or peer review.

D. Incident Management

SHROs will, when appropriate, convene a management group to discuss the potential for workplace violence incidents. Issues of concern such as planned personnel actions, for example, RIF, furlough, adverse action, termination, and EAP-required disclosures should be discussed. Members should consist of SHRO, OSY, EAP, and OGC. The management group should also meet after a workplace violence incident for after-action review.

E. Education and Outreach

Managers will work with their servicing SHROs to provide training in accordance with section VIII of this policy.

F. EAP

Managers will afford employees the ability to use EAP services whenever necessary.

VIII. Awareness Training

Annual training by the bureaus is required for employees, managers, and supervisors. Training should include how to recognize and report incidents of violent, intimidating, threatening, and disruptive behavior. Phone numbers for quick reference during a crisis or an emergency should be disseminated to all on a regular basis.

Any workplace violence prevention training for managers, supervisors, and employees should include the following:

- The Department's workplace violence policy
- The procedure for reporting incidents
- Personal security measures
- Introduction to programs operating within the Department that can assist in resolving conflicts – EAP, ADR, or similar programs
- Understanding of the facility Occupant Emergency Plan

Manager and supervisor workplace violence training should also include:

- Ways to encourage employees to report incidents in which they feel threatened for any reason by anyone inside or outside the organization
- Skills in providing compassionate support to victims or witnesses of workplace violence
- Basic skills in handling crises
- How to safely respond to potential or actual workplace violence
- Recognition of indicators of workplace violence
- How, when, where, and why to report potential or actual incidents of workplace violence

IX. Conclusion

Addressing WPV at the earliest possible signs of trouble is critical to maintaining a safer work environment for managers, supervisors, employee, and other individuals.

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