



**Environmental
Protection**

Workplace Violence Prevention

Workplace Violence

§12 NYCRR PART 800.6 "Public Employer workplace violence prevention programs defines workplace violence as: **“Any physical assault, acts of aggression, or threatening behavior (including verbal threats), occurring where the public employee performs any work-related duty in the course of his or her employment.**

Workplace

Any location away from an employee’s domicile, permanent or temporary, where an employee performs any work related duty in the course of his or her employment by an employer.

“INCIDENTS”

WPV Incident – a case of workplace violence, when the direct threat or attack is significant and verifiable by either a witness statement or other compelling evidence/reports.

“REPORTS”

WPV Report – an alleged case of workplace violence that does not present enough information or evidence or that rises to the level of a direct threat or attack; and cannot be substantiated by witness or other evidence.

“CONCERNS”

As defined in the WPV Prevention Policy: "WPV Concern - a concern is a case where there may not be specific allegations but there are concerns about another employee, customer's or contractor's behavior or other facility or organizational risk factors"

The Four Classes of WPV Incidents

1. **Criminal Intent**: Violent acts by criminals who have no other connection with the workplace but to commit a violent crime.
2. **Customer/Client**: Violence directed at employees by customers, clients or others whom the public employer provides a service to.
3. **Co-Worker**: Violence between a DEP employee and another employee, contractor or former employee. (Most common at DEP, accounts for 80% of cases).
4. **Personal**: Violence in the workplace by someone who doesn't work there, but has a personal relationship with an employee.

DEP's Responsibilities and Actions:

- ✓ Identify, monitor, and assess risks and problem situations and take steps to mitigate.
- ✓ Written policy statement and program.
- ✓ Establish a Workplace Violence Prevention Coordinator.
- ✓ Perform facility risk assessments.
- ✓ Implement, track, analyze and educate employees on workplace violence reporting procedures.
- ✓ Ensure ongoing employee and authorized representatives participation in the development of preventive measures.
- ✓ Track workplace violence incidents/reports and periodically recommend program improvements.
- ✓ Establish a Workplace Violence Prevention Task Force.

Employee's Responsibilities:

Employees are a critical part of the solution!

Know your rights and responsibilities!

- ✓ Stay vigilant and report breaches in safety or any suspicious activity or behavior immediately to your supervisor or security.
- ✓ Do not engage in behaviors which can escalate to threats or violence. DEP's Uniform Code of Discipline will apply. Which is found attached to the Employee Handbook
- ✓ Report incidents, risks or personal safety concerns to supervisor, EHS and WPV coordinator, even if it does not involve you!

You do not have to use the chain of command.

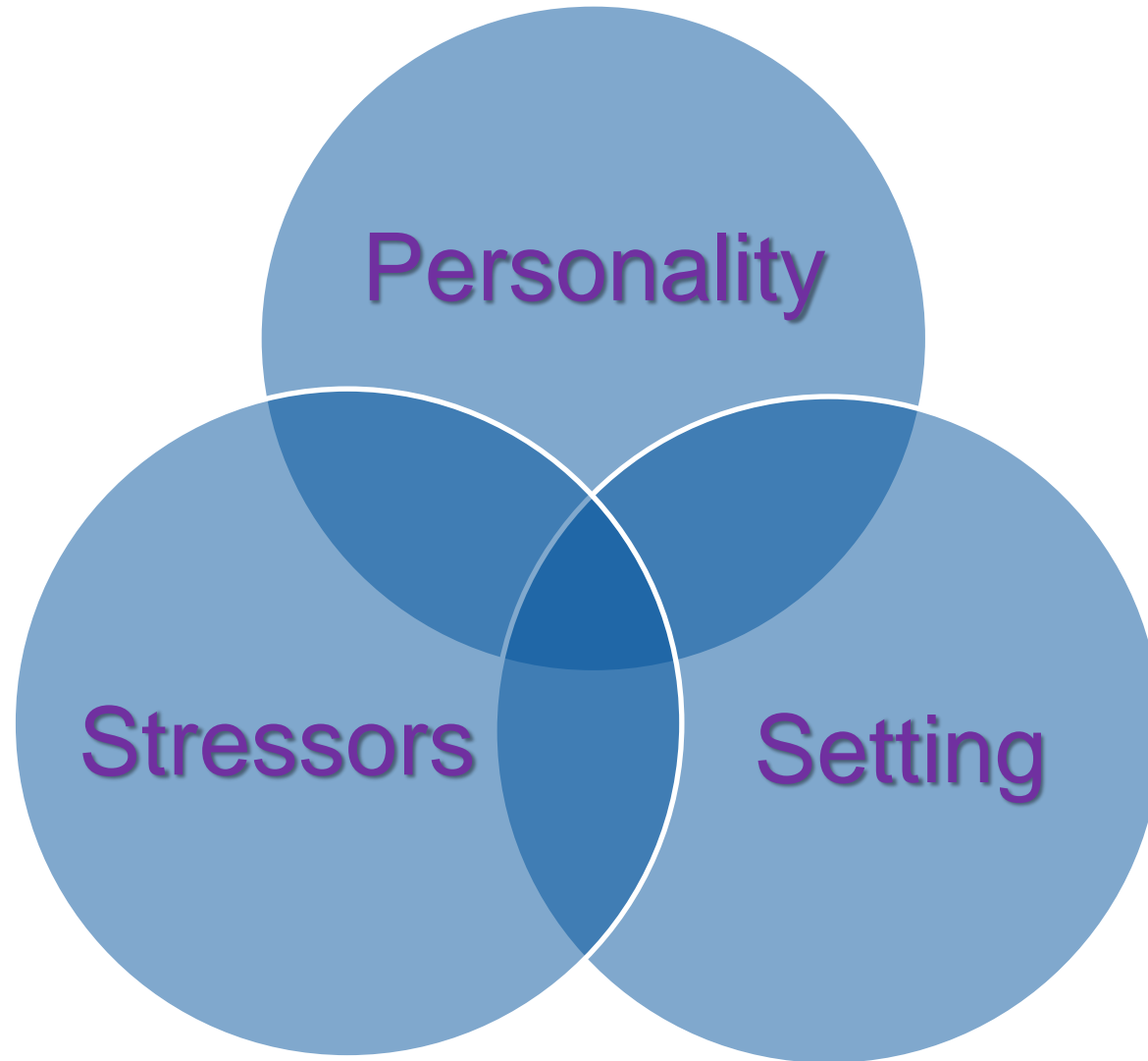
- ✓ **Safety First!** Recognize risks, Remove yourself, Report it!
- ✓ If you feel safe to do so, take steps to defuse the situation if possible.

**If You See Something,
Say Something!**

NO Retaliation

- ❖ All employees have the right to report incidents without fear of retaliation. Supervisors **MUST** report any incidents to the WPVP Coordinator.
- ❖ Should an employee feel he/she is being retaliated against as a result of reporting a wpv incident, they must contact the Agency WPV Coordinator immediately. Employees can also file complaints **anonymously**, however to allow for a thorough investigation, as much details must be given to address the concerns expressed.





¹¹ Source: *The Violence Prone Workplace* – Richard Denenberg

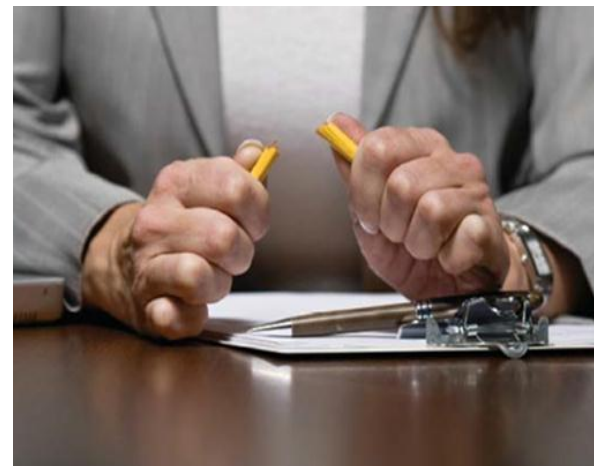
Signals of distress, for example:



- ✓ Aggressive or Bullying behavior.
- ✓ Feeling powerless or depressed.
- ✓ Change of behavior or performance in a co-worker particularly if combined with work or personal stressors (e.g. discipline, demotion, poor job performance, divorce, financial problems) .
- ✓ Talking about violent acts or excessive or inappropriate talk about or fascination with weapons, firearms, bombs or other weapons.
- ✓ Menacing acts - such as displaying weapons (or objects intended to be used as a weapon).
- ✓ Verbal threats of violence or a stated intent to harm a specific target – ***Supervisor and managers have an Affirmative Duty to Report.***
- ✓ Stalking (EEO Reasonable Accommodation).

Issues involving the workplace setting:

- ✓ Signs of hypersensitivity to constructive feedback by supervisor or work colleagues.
- ✓ Apparent obsession with a supervisor, coworker or employee grievance, or disciplinary decision.
- ✓ Outbursts of anger or aggression, lack or impulse control.
- ✓ Preoccupation with violent themes or interest in recently publicized violent events.
- ✓ Inability to take responsibility for his/her own actions and/or blame others.
- ✓ History of conflicts or violence at work.
- ✓ Discipline or Demotion.



Personal issues outside of the workplace:

- ✓ Certain mental health issues – though mental illness is not a dominant risk factor by itself.
- ✓ Current drug, alcohol abuse or other addiction issues.
- ✓ Homicidal or suicidal comments or threats.
- ✓ Divorce or other family issues.
- ✓ Financial problems.
- ✓ Health issues.
- ✓ Lack of social support system.
- ✓ Social Isolation at work or home
- ✓ Being subjected to bullying behavior.



Violence is still difficult to predict!

- We tend to focus on behavioral *red flags* only and overlook other factors.
- Avoid profiling because of demographic factors. For example: mental health issues *alone* is not a dominant risk factor.



- ❑ Organization's inability to recognize and act on warning signs (threat assessment).
- ❑ Inaction and/or reliance on inappropriate tools.
- ❑ Lack of trust by employee in the system to make a complaint.
- ❑ Lack of the communication of support networks and help.
- ❑ Supervisors and/or managers failure to act or reports and/or problems.
- ❑ Lack of tools to help employees, supervisors and Managers deal with behavioral or conduct issues.



Upon observation or notification of any violent or threatening incident:

- Attempt to get employees out of harm's way. May not apply though in an active shooter situations
- Make requests for assistance from NYPD, DEP Police or appropriate Law Enforcement Agency pursuant to your facility Emergency Action Plan.
- Offer assistance to the victimized employees *or* defer to emergency responders.
- Notify Workplace Violence Prevention Coordinator. Failure to do so may result in disciplinary action.**
- Offer or request longer term assistance to employees as indicated – EAP and or HR.

When reporting a violent or threatening incident employee should:

- ❑ Get immediate help if needed. **Call the police (911)** or BPS!
- ❑ Notify your supervisor, another manager, Bureau EHS, Emergency Call Center/WSCC, Bureau Administrator, or OEHS as soon as possible.
- ❑ As soon as possible after the incident work with supervisor, manager, Bureau EHS or OEHS to fill out a WPV Intake form.

Just the facts!

Aggressive driving behaviors are triggered by a variety of provocations.

- Provoked by the actions of another driver.
- Set off by road congestion, traffic or being late.
- Most are caused by the drivers' own moods and reactions when they get behind the wheel.
- Avoid tailgating, cutting other drivers off, obscene gesturing, changing lanes without signaling and/or unnecessary blasting the horn.



- ❑ Assume other driver's mistakes are not personal.
- ❑ Be polite and courteous, even if the other driver isn't, Remember you are driving a city car!
- ❑ Avoid all conflict if possible. If another driver challenges you or if it becomes confrontational, take a deep breath and get out of the way.
- ❑ If you do find yourself the victim of road rage, and **get the license plate number if possible and call the Police!!!**



- ❖ Bullying occurs frequently in workplaces and is a leading cause of poor productivity and low morale.
- ❖ While bullying is a form of aggression, the actions can be both obvious or subtle.
- ❖ Bullying is usually acts or verbal comments that can hurt or isolate a person in the workplace. Bullying usually involves repeated incidents or a pattern of behavior that is intended to intimidate, offend, degrade or humiliate a particular person or group of people.
- ❖ Frequency: more than one incident is typical.

BULLYING



1. **ABUSE**: The intentional and *repeated* verbal and/or non verbal abuse which threatens, intimidates or humiliates an employee.
2. **WORK SABOTAGE**: The intentional and *consistent* interference with an employee's ability to complete work duties and assignments effectively.

Examples of Bullying

- Spreading malicious rumors, gossip, or innuendo.
- Excluding or isolating someone socially.
- Repeatedly intimidating a person.
- Undermining or deliberately impeding a person's work.
- Threatening abuse.
- Withholding necessary information or purposefully giving the wrong information.
- Yelling or using profanity with the intention to intimidate.
- Frequent unwarranted criticism.
- Belittling a person's opinions, especially in front of peers or other work colleagues.
- Tampering with a person's personal belongings or work equipment.

- ***DON'T REACT IMPULSIVELY.***

Walk Away!



- ***DO NOT RETALIATE.***

You may end up looking like the perpetrator and will most certainly cause confusion for those responsible for evaluating and responding to the situation.

- **FIRMLY** tell the person that his or her behavior is not acceptable and ask them to stop.
- **KEEP** a factual journal or diary of daily events. **REPORT** the bullying issues to your supervisor, a manager, or you can report directly to DEP's Workplace Violence Prevention Coordinator.
- Supervisors have a **DUTY TO REPORT** bullying to the DEP Workplace Violence Coordinator as soon as they occur.

What Bullying is NOT

- Performance management of a poor performer.
- Disciplinary action of an employee who violates DEP's Uniform Code of Discipline and other policies (e.g. Employee Handbook, EHS, etc)
- A “tough” manager or supervisor who, when enforcing high standards, is respectful and fair.
- Simple rudeness.

**Cyberbullying [or cyberstalking/
cyber harassment]** is the repeated
use of computers, the internet, cell
phones, or other electronic device are
used to send or post text or images
intended to frighten, harass, intimidate,
embarrass or cause harm to another
person.

Under NYC Human Rights Law,
CyberBullying in certain circumstances may
be considered bias-related harassment.

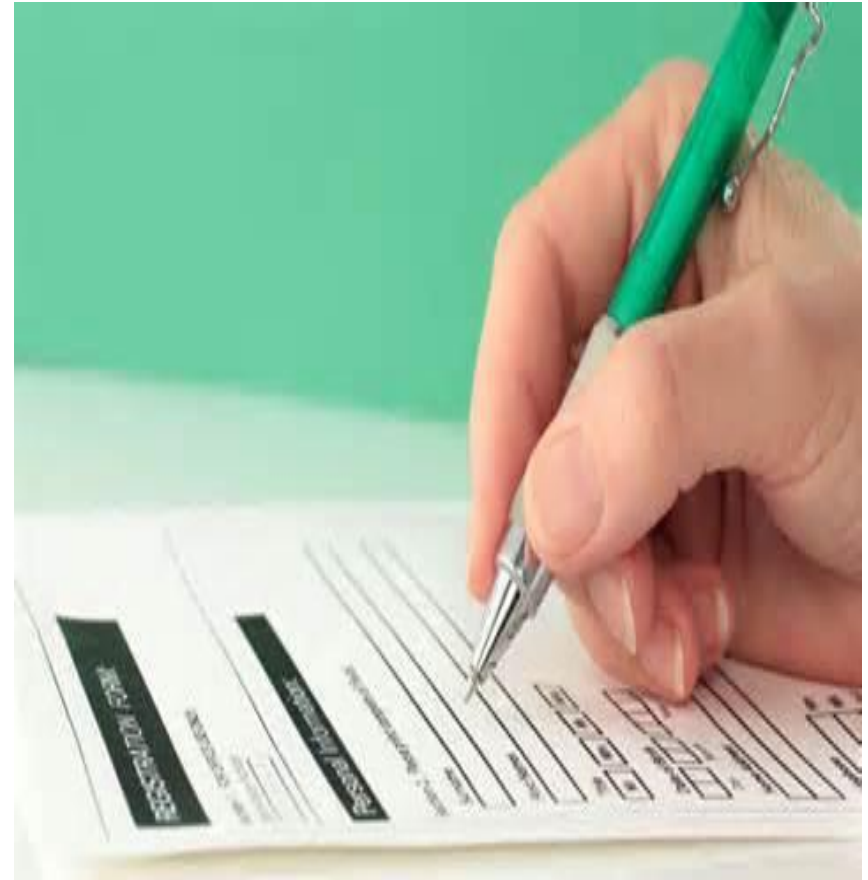


1. **Print out and/or save** any offending email, text of digital material or any other type of electronic messaging.
2. Do not reply to or contact the harasser.
3. Tell supervisor or the police. *Supervisor must report to WPVP Coordinator.*
4. If bias related contact EEO.
5. Otherwise contact the EH&S Workplace Violence Prevention Coordinator.



Documentation

Ensure that workplace violence intake form is completed and sent back to the Workplace Violence Prevention Coordinator **OR** call the Workplace Violence Prevention Coordinator. **OEHS** can fill it out with you.



- ❖ WPV Prevention team does fact-finding investigations.
- ❖ Investigators produce a report that is issued to the Commissioner, Bureau Head and other necessary parties. The report may or may not include recommendations.
- ❖ WPV Prevention investigations do NOT make direct recommendations for discipline. Discipline either comes from the Commissioner or the Bureau in consultation with the Office of Disciplinary Counsel (ODC).
- ❖ **Confidentiality versus discretion and the role of the anonymous complainant.**



Once a report is issued to the Department Head and the First Deputy Commissioner, a letter will be issued to both the complainant (unless they are anonymous) and the respondent notifying them of the outcome of the investigation.

- ❖ OEHS WPV Prevention team manages and updates case files as investigations progress.

**All new cases are reviewed by
DEP's Workplace Violence
Prevention Task Force**

- ❖ Cases are not closed out until OEHS verifies that recommendations have been completed.
- ❖ OEHS monitors patterns and trends within the agency and may recommend and develop additional education or initiative as deemed necessary.

When conflicts arise (and they will)...

- Actively LISTEN!!
- Clarify the other person's position versus reacting or lashing out!
- Communicate your position in a respectful way that respects the other person.
- Try to seek a mutually agreeable solution.
- Address conflicts when they first arise.
- Communication is more than just WORDS!
 - Watch your tone and gestures!
 - Be mindful of electronic etiquette.
(emails and texting)



If you are ever in an Active Shooter scenario remember 3 things!

1. **RUN**
2. **HIDE**
3. **FIGHT**



<http://www.youtube.com/watch?v=5VcSwejU2D0>

If you work in the field...

- Be aware of your surroundings.
- As possible, refrain from using or displaying electronic devices.
- Store expensive tools and equipment when not in use.
- Safeguard keys and documents.
- Contact your supervisor if you have concerns.



- Anti-Bullying Initiatives/Training
- New Hire Trainings
- Effective Communication
- Active Shooter Awareness CBT
- Supervisory Training
- Managerial Training
- Stress Management Training
- EAP Awareness
- Workplace Violence Prevention for F
- Defensive Driving Training
- Targeted Trainings for Facilities/Divisions as needed or identified by Bureaus, Unions or Workplace Violence Prevention Task Force.



- **OEHS Intranet site on “Pipeline” .**
- **NYC Employee Assistance Program - “EAP” – (212)-306-7660**
40 Rector Street, New York, NY
- **Your Union’s Personal Services Unit**
- **PESH - [PESH Workplace Violence Prevention](#)**
- **OSHA - [OSHA Workplace Violence Prevention](#)**
- **DEP Workplace Violence Coordinator**
Persis Luke – (718) 595-5266 –
lukep@dep.nyc.gov
- **Copy of the WPV PowerPoint on “Pipeline” - [WPV Training](#)**
- **Active shooter video - <http://www.youtube.com/watch?v=5VcSwejU2D0>**

