

## PEDIATRIC HEALTH CHOICE

**TITLE:** Workplace Violence

**PURPOSE:** To establish consistent guidelines for maintaining a Violence-Free workplace at a Pediatric Day Health Center (PDHC) facility.

**POLICY STATEMENT:**

Pediatric Health Choice (PHC) is committed to achieving and maintaining a violence-free workplace for its employees and those visiting or conducting business at its worksites. PHC will take reasonable steps to create a safe and secure work environment free of violence, aggressive acts, verbal and non-verbal threatening behavior and harassment toward or by its employees or others, including domestic violence that may affect the workplace. Any employee who commits an act of workplace violence, makes a credible threat, or engages in assault or battery on another person shall be subject to disciplinary action, up to and including termination.

Matters concerning clients shall be addressed in accordance with the PHC Abuse and Neglect Policy.

**OUTCOME:**

Employees will secure the premises in the event of workplace violence whether it occurs inside or outside the PDHC facility.

**DEFINITIONS:**

- A. **Assault:** an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.
- B. **Battery:** the intentional use of physical force or violence upon another; or the intentional administration of a poison or other noxious substance to another.
- C. **Credible Threat:** a statement or action that would cause a reasonable person to fear for their physical safety or that of another person and does, in fact, cause such fear.
- D. **Violence:** the commission of an assault or battery or the making of a credible threat. In this context, acts of violence include unwarranted exertions of force or power, such as any intentional actions or words that result in physical or emotional injury to another person or any verbal, physical, or psychological threat or assault on an individual intended to cause, or actually resulting in, physical and/or psychological damage.
- E. **Workplace (or worksite):** any site where an employee is placed for the purpose of completing job assignments, inclusive of surrounding PHC properties, PHC vehicles and parking lots.
- F. **Workplace violence:** violence that takes place in or at the workplace.

- G. **Domestic Violence**, also known as **domestic abuse, spousal abuse, battering, family violence, and intimate partner violence (IPV)**, is a pattern of behavior which involves the abuse by one partner against another in an intimate relationship such as marriage, cohabitation, dating or within the family, home life or household affairs. Domestic violence can take many forms, including physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects, battery), or threats thereof; sexual abuse; emotional abuse; controlling or domineering; intimidation; stalking; passive/covert abuse (e.g., neglect); and economic deprivation.

## **PROCESS GUIDELINES:**

A. **Reporting the Incident: (All reports of acts or threats of workplace violence shall be taken seriously.)**

1. An employee who witnesses workplace violence where someone is physically injured should take immediate action to prevent further deterioration of the situation, including calling for appropriate medical or emergency assistance (911).
2. An employee who has been threatened or assaulted by another person at the workplace or who witnesses such acts shall immediately report the situation to their immediate supervisor or other manager in their chain of command (Administrator or Director of Nursing).
3. The supervisor or manager receiving a report of workplace violence shall Report the incident to the Corporate Human Resource Department by providing a description of the incident, the location of the incident, the names of any potential witnesses, and any other available documentation.
4. The supervisor or manager shall ensure that the individuals involved are separated and isolated until they are interviewed during the investigation conducted by the Corporate Human Resource Department.

B. **Investigating the Incident:**

1. The Corporate Human Resource Department along with the local managers will investigate the incident in accordance with this policy. The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner. To preserve the integrity of the investigative process, employees will be instructed that all information provided during employee interviews is to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any employee who is a part of or participating in the investigation.
2. **Preliminary assessment** - The Corporate Human Resource Department along with local managers shall conduct a preliminary assessment of the information provided to determine whether action should be taken to prevent further incidents. For example, it may be appropriate to authorize leave or temporarily reassign personnel. The appropriate manager will be apprised of any preliminary action to be taken with the utmost confidentiality.
3. **Interviews** - The investigation may begin with interviews of employees who will be required to provide details to facilitate the investigative process, such as the acts they witnessed, the date, time, and location of the occurrence, the identity of

other witnesses, and any writings, records, logs, recordings, pictures, or other documentation of the incident.

**4. Participant responsibilities** - All employees called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees do not have the option of remaining silent or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement. Employees are hereby informed that polygraph examinations may be employed as an investigative tool.

**5. Report and recommendations** - Upon completion of the investigation, the Corporate Human Resource Department will report whether the report of workplace violence is substantiated or unsubstantiated and provide recommendations for resolution.

**6. Management decision** - Complainants may be assured that any employee found, after investigation, to have engaged in workplace violence will be subject to corrective action or disciplinary action. Corrective actions may include counseling and/or reprimand. Disciplinary actions include suspension, reduction in pay, demotion, or dismissal.

In conjunction with the corrective or disciplinary action, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may also be utilized to protect against the recurrence of inappropriate behavior.

**7. Unsubstantiated good faith complaints** - Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints without regard for the ultimate outcome.

#### **RETALIATION STRICTLY PROHIBITED:**

PHC maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of workplace violence, as well as those employees providing information or participating in the investigative process. If a complaint of retaliation is made and an investigation reveals that harassment, retaliation, or reprisal has occurred, the offender shall receive either corrective action or disciplinary action up to and including dismissal.

#### **POSTING REQUIREMENTS:**

PHC is responsible for posting signage in a conspicuous location in a publicly accessible area of the PDHC facility according to Act No. 461 and §2199.14. Healthcare Workplace Violence; public information.

PHC is responsible for posting the Workplace Violence Policy to the corporate website.

PHC is responsible for posting local law enforcement and emergency telephone numbers in the work areas assigned to staff.

PHC is responsible for posting resources on the issue of healthcare workplace violence according to Act No. 461 in the designated employee breakroom area.

#### **DOMESTIC VIOLENCE COURT ORDERS:**

Domestic protective orders and other court orders concerning documented or potential acts of violence not arising out of the workplace setting (domestic or family violence issues, e.g.), shall be communicated to an employee's supervisor, whether the employee is the person for whose protection the order was issued or is the person against whom the order was issued.

The employee's supervisor shall maintain the confidentiality of that communication except to notify the Corporate Human Resource Department. Each employee so affected is under a continuing obligation to notify, as previously set forth, of any changes or modifications or extinguishment of any such order, etc.

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal from employment.

PROPRIETARY

# Healthcare Workplace Violence Resources

*The following is a list of resources and tools that may be utilized in the development of a workplace violence program pursuant to Act 461 of the 2022 Legislative Session.*

## The Joint Commission

### Workplace Violence Prevention Resources

<https://www.jointcommission.org/resources/patient-safety-topics/workplace-violence-prevention/>

## United State Department of Labor – Occupational Safety & Health Administration

### Worker Safety in Hospitals

<https://www.osha.gov/hospitals/workplace-violence>

### Preventing Workplace Violence: A Road Map for Healthcare Facilities

<https://www.osha.gov/sites/default/files/OSHA3827.pdf>

### Guidelines for Preventing Workplace Violence for Healthcare & Social Service Workers

<https://www.osha.gov/sites/default/files/publications/osha3148.pdf>

### Workplace Violence Preventions and Related Goals

<https://www.osha.gov/sites/default/files/OSHA3828.pdf>

## Center for Disease Control & Prevention – National Institute for Occupational Safety & Health

### Workplace Violence Prevention for Nurses

[https://www.cdc.gov/niosh/topics/violence/training\\_nurses.html](https://www.cdc.gov/niosh/topics/violence/training_nurses.html)



# **We Respect You. Please Respect Our Staff.**

Abuse of or workplace violence against healthcare staff will not be tolerated and could result in a **FELONY** conviction under R.S. 14:38 or other applicable criminal laws.

