

 <p>HAWAII HEALTH SYSTEMS CORPORATION <i>"Touching Lives Everyday"</i></p> <p>Policies and Procedures</p>	<p>Department: Human Resources</p>	<p>Policy No.: HR 0004</p>
	<p>Issued by: VP & Director of Human Resources</p>	<p>Revision No.:</p>
<p>Subject: Workplace Violence/Abuse No-Tolerance</p>	<p>Approved by: HHSC Board of Directors By: Carolyn Nii Its: Secretary/Treasurer</p>	<p>Effective Date: August 10, 2000</p>
		<p>Supersedes Policy:</p>
		<p>Page: 1 of 7</p>

1. Purpose

It is the policy of the Hawaii Health Systems Corporation (HHSC) to provide a work environment free from violence and all forms of harassment.

This policy provides advice for dealing with verbal and physical harassment/abuse or acts of violence towards 1) employees, 2) non-employees working on company property, 3) customers, and 4) the general public.

This policy also describes 1) a strict no-tolerance policy regarding verbal and physical harassment/abuse or acts of violence by employees, 2) ways to reduce the potential for workplace violence, and 3) the steps to take if such violence occurs or is imminent.

This policy supersedes all presently existing policies and procedures that address this subject. However, this policy **does not** supersede existing non-harassment/sexual harassment policies.

If you have any questions or for more information regarding this policy, contact the Corporate Human Resources Department.

This policy is not a contract of employment and must not be interpreted as creating a contract or guarantee of employment, either express or implied.

2. Introduction

HHSC believes that a safe and secure workplace and an environment free from intimidating, hostile, or offensive verbal or physical acts is fundamental to employee effectiveness. HHSC expects all employees to share in establishing such a workplace, which can result when all employees treat one another with respect and common courtesy.

To help promote a safe and secure workplace by mitigating the risk of harassment/abuse and violence, HHSC has implemented a no-tolerance policy with respect to verbal or physical harassment/abuse or acts of violence of employees. Employee harassment/abuse of fellow employees, contractors, customers, or the general public often foreshadows workplace violence and will not be tolerated by HHSC. Such harassment/abuse includes the verbal threats, taunts, and harassment that can precede a physical attack.

HHSC takes threats and acts of violence seriously. Threats, whether direct, indirect, or implied, are unacceptable and will result in disciplinary action up to and including termination. The prevention of verbal and physical harassment/abuse is the responsibility of all employees. All employees, both management and non-management, must follow the guidelines specified in this policy.

This policy applies to all employees regardless of their position in the company.

3. Definitions

Acronym or Term	Definition
Aggression	Forceful action intended to dominate another person.
Assault	A violent physical or verbal attack.
Harassment	Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual and that has the purpose or effect of: <ul style="list-style-type: none"> ➤ Creating an intimidating, hostile, or offensive work environment; ➤ Unreasonably interfering with an individual's work performance; or ➤ Otherwise adversely affecting an individual's employment opportunities.
Physical Abuse	Using physical force so as to injure. See also "Physical Harassment."
Physical Harassment	Annoying another person repeatedly by touching in a nonsexual context. Compare with "Sexual Harassment." Note: "Harassment" conveys persistency, while "abuse" might not. For the purpose of this practice, "abuse" conveys intent to injure or damage.
Sexual Harassment	Unwelcomed behavior of a sexual nature.
Verbal Abuse	Attacking another person in words, orally, or in writing.
Verbal Harassment	Annoying another person repeatedly, orally, or in writing.

HHSC's Workplace Violence/Abuse No-Tolerance Policy complies with the following federal statutes:

1. Title VII, Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq.
2. Age Discrimination in Employment Act, as amended, 29 U.S.C., 621, et seq. (ADEA).
3. Americans With Disability Act of 1990, as amended, 42 U.S.C. § 12101, et seq. (ADA).
4. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, et seq. as applicable.

WORKPLACE VIOLENCE/ABUSE NO-TOLERANCE POLICY

4. No-Tolerance Policy

Harassment/abuse of any kind is not conducive to 1) a safe work environment, 2) employee job satisfaction, or 3) workplace harmony and efficiency.

Employee harassment or abuse of fellow employees, contractors, customers, or the general public is unacceptable and will not be tolerated.

Threats and acts of violence will not be tolerated. Employees who violate this policy will be subject to appropriate disciplinary action in accordance with the collective bargaining agreement or HHSC Personnel Policies & Procedures.

Prevention of harassment/abuse is the joint responsibility of the company and its employees.

5. Examples of Harassment/Abuse

The following chart gives some examples of physical and verbal harassment/abuse:

Type of Harassment/Abuse	Example
Physical	<ul style="list-style-type: none"> ➤ Shoving ➤ Punching ➤ Tripping ➤ Pinching ➤ Other types of offensive contact
Verbal	<ul style="list-style-type: none"> ➤ Threats ➤ Sexual comments ➤ Foul language directed at another person ➤ Threatening notes

It is the responsibility of all employees to be aware of how their behavior, physical and verbal, is affecting the people with whom they work. Eliminate behavior (including teasing and joking) that a reasonable person would find intimidating, hostile, or offensive.

6. Responsibility

All levels of management are responsible for enforcing company policies related to harassment/abuse, and all employees are responsible for adhering to them. Any employee who has knowledge of harassment/abuse must report it through his or her supervisor, Human Resources, or Facility Administrator.

Human Resources Department Responsibilities

The Human Resources Department and/or Regional CEO's/Facility Administrator's Office administers this policy to ensure that it is consistently applied throughout HHSC's operations and that it provides a positive and productive work environment free from any form of harassment/abuse.

Victim and Co-Worker Responsibilities

Employees who feel that they are victims of harassment/abuse or are being threatened have the responsibility to:

- Tell the person(s) doing the harassment that the actions are offensive.
- Clearly ask the offender(s) to stop the offensive behavior.
- Divulge the problem to management.
- Report all incidents or problems to their supervisor or to Human Resources.

Most employees do not intend to harass their co-workers. In most cases, when the perpetrator of offensive behavior is told that the behavior is unwanted and is asked to stop, they do stop the behavior.

Whether or not the offended or threatened employee elects to confront the harasser/abuser, the offended or threatened employee has a responsibility to report the matter to management. The employee may report the matter to his or her supervisor. Alternatively, if the employee prefers, he or she may contact the next higher level of management or Human Resources. All complaints will be investigated confidentially to the degree possible and will be promptly resolved. Employees reporting alleged violations will be protected from retaliation.

Employees have the duty to report any instances of harassment, abuse, threat, or any of the following behaviors that are directed to them or that occur in their presence:

- Aggressive conduct.
- Instances of assault.
- Physical harassment/abuse.
- Verbal harassment/abuse.
- Threatening talk or behavior

Many incidents that result from threats or harassment could be avoided if employees who observe this behavior simply report it to management.

Employees must also report the following activities or situations because of their potential for workplace violence:

- Off-duty fighting between employees.
- Dangerous weapons brought to the work site. HHSC prohibits, for safety reasons, the presence of any weapon on company property, in company vehicles, or in vehicles or other employee property that is brought onto company property.
- Behavior of a co-worker that clearly indicates that he or she might be a danger to himself/herself or others. Angry or aggressive behavior can frequently be observed before a violent incident.
- Any threats received as a result of domestic disputes. Any employee who has obtained a Restraining Order against another person must report that fact to his/her supervisor or Human Resources.

Supervisor Responsibilities

General

Supervisors must:

- Not tolerate the types of offensive behavior outlined in this policy.
- Act immediately and consistently to correct such behavior.
- When problems are suspected, initiate a preliminary inquiry to establish if there is sufficient cause for Human Resources to conduct a detailed investigation to determine:
 - The exact statements (threats) or misconduct of the involved parties.
 - Identities and statements of witnesses.
 - The victim's version of the incident.
 - The offender's version of the incident.
 - The offender's past overall record.
 - Any mitigating circumstances.
 - Any aggravating circumstances.
 - The offender's intent.
 - Who in the workplace best knows the offender.
 - The victim's past record, if any, of making unsubstantiated complaints.
 - The overall context in which the statement and/or activity occurred.
 - Any pertinent additional facts.

If any employee is suspended or terminated, his or her supervisor must retrieve all HHSC property in the employee's possession. The employee must be escorted off company property by management personnel.

Responsibilities When Threats Are Made

Depending on the severity of the threat, the supervisor must determine a course of action from the following list (not necessarily in the order presented):

- Report the incident to Human Resources, then, after conferring, settle the matter locally.
- Contact the next level of supervision for discussion and resolution.
- In emergency situations, contact:
 - Security guards for the building, if available, for assistance.
 - Outside law enforcement agencies for assistance.

In all cases, all incidences must be reported to Human Resources and to the CEO's/Administrator's Office.

Threatening or Hostile Situations

In a threatening or hostile situation, another management employee should be present with the supervisor if it is anticipated that there 1) may be a need for a witness later, 2) is a potential for a misconduct charge, or 3) is the possibility of violent verbal or physical behavior.

Violent Situations

If a violent situation arises for which law enforcement personnel are being called, the following information must be provided at the time of the call:

- The location of the incident.
- The nature of the incident.
- A physical description of the perpetrator.
- Descriptions and license numbers of any vehicles involved.
- The name of the individual who will meet/escort the law enforcement personnel when they arrive at the location.

After law enforcement personnel have been called, a determination must be made whether to evacuate the facility. If the situation allows, the supervisor should contact the following to aid in the evacuation decision:

- Building security, if available.
- A higher-level manager responsible for the facility.
- Human Resources.

Hostage Situations

If a hostage has been taken or the perpetrator is armed, employees must **not** attempt to 1) disable or disarm the perpetrator, 2) negotiate, or 3)

set off any audible alarms. Employees must prevent entrance to the facility or area by others, if possible. Law enforcement personnel will assume control of the situation upon their arrival and will establish a command post in or near the facility.