

Model Policy: Workplace violence and office security policy

Why you need this policy:

Acts of violence perpetrated in the workplace have become a major societal problem. In many places, homicide has become the leading cause of workplace fatality! In addition to tragedy, failure to safeguard your workforce from the risks of violence—whether from co-workers, clients, or outside third parties—can expose your law office to significant liability under negligence and other laws.

How this policy helps you:

It has become imperative, and in many states, including California, a legal requirement that employers implement programs to prevent violence at the workplace. The centerpiece of the prevention effort is to adopt a written policy on workplace violence.

How to use this policy:

Make sure you include your workplace violence policy in your human resources manuals and/or codes of conduct and that, like the Model Policy below, it includes a policy statement (often phrased as zero tolerance), a clear definition of workplace violence, where it can occur, and who can author it, and a procedure for employees to report threats, acts, or concerns of violence to the law office for investigation.

Model Policy: Workplace violence and office security policy XYZ Law Firm

1. Statement of policy

The management of XYZ Law Firm recognizes that violence is an occupational hazard and that it can result in physical and psychological damage to employees who are its victims.

2. Purpose of policy

The purpose of this Policy is to outline the measures XYZ Law Firm has put in place to prevent workplace violence and furnish a workplace that is secure and safe for all attorneys, staff, and visitors.

3. What policy covers

- a. Definition of workplace violence:** For purposes of this Policy, “workplace violence” is actual, threatened or attempted conduct intended or likely to cause injury to, harass, threaten, intimidate, bully or otherwise harm another person at work. Examples include but aren’t limited to:
- Actual assaults;
 - Pushing, shoving, elbowing, jostling and other acts of physical intimidation;
 - Verbal threats;
 - Written threats, e.g., in notes or emails;
 - Shaking a fist, brandishing a weapon or making other threatening gestures;
 - Throwing something at an employee; and
 - Kicking an object near the employee or something the employee is standing on like a ladder.
- b. Where workplace violence may occur:** Workplace violence includes not just XYZ Law Firm premises but also vehicles and other property and off-site locations, including, but not limited to, off-site meetings or conferences, client locations, social situations related to work or employees’ homes if there are real or implied consequences related to the workplace.
- c. Who may commit acts of workplace violence:** Violent behavior in the workplace is unacceptable from anyone. That includes those who work for XYZ Law Firm such as attorneys, paralegals, employees, supervisors and members of management, as well as others including clients, visitors and strangers. Everyone at XYZ Law Firm is expected to work together to prevent workplace violence.
- d. Workplace violence program:** The XYZ Law Firm has a workplace violence program that implements this Policy. It includes measures and procedures to protect employees from workplace violence, a means of summoning immediate assistance and a process for employees to report incidents, or raise concerns. These measures are designed to ensure that this Policy and the supporting program are implemented and maintained and that all personnel have the appropriate information

and instruction to protect them from violence in the workplace.

4. Duties of different parties

- a. Attorneys:** Attorneys will adhere to this Policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by employees and that employees have the information they need to protect themselves.
- b. Employees:** Every employee must work in compliance with this Policy and the supporting program. All employees are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats to their managers or another XYZ Law Firm official in accordance with the procedures outlined below. **Be assured that you will not be subject to any reprisals for reporting incidents or threats of violence.**
- c. Management:** XYZ Law Firm management shall investigate and deal with all incidents and complaints of workplace violence in a fair and timely manner, respecting the privacy of all concerned in accordance with and subject to legal requirements.

5. Reporting workplace violence

- a. How your reporting helps us prevent violence:** The XYZ Law Firm is committed to protecting you from violence and threats of violence in the workplace. **But we need you to help us help you.** One of the best ways you can participate in your own protection is to notify us if you’ve been attacked or threatened with violence. The purpose of this section of the Policy is to explain how to make such reports.
- b. No reprisals:** We recognize that some individuals may hesitate to report acts or threats of violence out of fears of reprisals—especially when the threats are coming from an attorney or person in the firm in a position of authority or one of the clients of the firm. Be assured that no XYZ Law Firm employee will be disciplined, demoted or suffer any other adverse treatment because they reported concerns of violence in the workplace.

- c. Confidentiality:** We will also take steps to maintain confidentiality and won't disclose your identity unless we're required to by law or to investigate and/or correct the concern. *[add if you have a Silent Witness Program]*. The XYZ Law Firm has developed a Silent Witness Program so that you can report violent or suspicious activity or tips and remain anonymous. The information is transmitted to the XYZ Law Firm security for follow up. All information will be kept confidential. The Silent Witness Reporting page is located on the XYZ Law Firm web site at: *[list html]*.
- d. Reporting procedure:** Acts and threats of workplace violence (either explicit or implied), or observations of workplace violence are not to be ignored by any member of XYZ Law Firm personnel. Workplace violence or threats of workplace violence must be promptly reported to the appropriate XYZ officials using the following reporting procedures.
- **Call security or 911 for imminent danger:** Any person experiencing or witnessing imminent danger, personal injury from violence, violence involving weapons, or actual violence should call Law Firm Security (*ext. 1234*) or 911 immediately.
 - **Reporting threats and incidents:** Any person who is the subject of workplace violence involving situations without weapons or personal injury, or is a witness to such situations, should report the incident to his or her next-in-line supervisor who is not party to the alleged action filling out the XYZ Law Firm Workplace Violence Threat and Incident Report form. If an employee is the suspected perpetrator, notify *[list contact]* (*ext. 1234*).
 - **Reporting threats and incidents by supervisor:** Any employee who has been threatened or attacked by a supervisor, manager, attorney, or person in authority can report the incident using the XYZ Law Firm Report of Supervisor Abuse form.
 - **Reporting threats of domestic violence:** Any employee who has been threatened or involved in domestic violence at work can report the incident using the XYZ Law Firm Domestic Violence Threat form.

6. Response to incidents

Any attorney, manager or other person in authority who receives a report of a suspected violation of this policy shall consult with the XYZ Law Firm Human Resources Office (*ext. 5678*). Any emergency, perceived emergency, or suspected criminal conduct must be immediately reported to XYZ Security. All incidents will be investigated promptly and thoroughly to determine what happened and what steps to take to deal with offenders and ensure the problem does not happen again.

7. Discipline

Acts of workplace violence by XYZ Law Firm personnel at any level, from managing partner to support staffers, will not be tolerated and will be responded to with appropriate disciplinary action, up to and including termination, based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination for acts of physical assault, even if the person committing the act has committed no prior offenses or engaged in previous acts of violence.

Signed: _____

Managing Partner, XYZ Law Firm

Date: _____

