


Workplace Violence

	Louisiana Department of Health (LDH)	
	Policy Number	85.2
	Content	LDH Policy for Maintaining a Violence-Free Workplace
	Effective Date	June 14, 2022
	Inquiries to	Office of Management and Finance Division of Human Resources, Training and Staff Development P.O. Box 4818 Baton Rouge, Louisiana 70821-4818

LDH is committed to fostering, cultivating and preserving a culture of equity, diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our Department’s reputation and achievement as well.

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/override/supersede the conflicting section within the Program Office or facility policy.

I. STATEMENT OF POLICY

The Louisiana Department of Health (LDH) is committed to achieving and maintaining a violence-free workplace for its employees and those visiting or conducting business at its worksites. LDH 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 LDH Abuse and Neglect Policy.

II. APPLICABILITY

This policy applies to all LDH employees.

III. 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 LDH properties and parking garages.
- 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.
- H. **Appointing Authority:** An officer or employee authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.

IV. POLICY PROVISIONS

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.
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.
3. The supervisor or manager receiving a report of workplace violence shall Report the incident to the Appointing Authority and Human Resources 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 Appointing Authority receiving a report of workplace violence shall ensure that the individuals involved are separated and isolated until they are interviewed during the investigation conducted by Human Resources.

B. **Investigating the Incident:**

1. **Human Resources** 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.

Note: Agencies may assign staff other than Human Resources to investigate reported incidents of workplace violence. If so, the assigned investigators must follow the procedures outlined in this policy.

2. **Preliminary assessment** - Human Resources, in consultation with the Bureau of Legal Services staff, 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 appointing authority 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, Human Resources, in consultation with Bureau of Legal Services staff, will report whether the report of workplace violence is substantiated or unsubstantiated to the appropriate appointing authority 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 the 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.

V. RETALIATION STRICTLY PROHIBITED

LDH 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.

VI. POSTING REQUIREMENTS

- A. **Human Resources** is responsible for posting the Workplace Violence Policy to the LDH Policy Website.

- B. **Safety Officers** are responsible for posting the local law enforcement and building security telephone numbers in the area(s) they are assigned to.

VII. 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 Human Resources. Human Resources shall notify the Appointing Authority and security detail. In settings where building security is provided, the security detail shall be the highest level of that security detail.

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.

VIII. DISCIPLINARY ACTIONS

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

IX. REVISION HISTORY

Date	Revision
March 18, 2013	Policy created
October 10, 2019	Policy reviewed – no changes
June 14, 2022	Policy revised