# INVESTIGATING A REPORT OF WORKPLACE VIOLENCE

**GENERAL INSTRUCTIONS**

**Responding to a** **Report of Workplace Violence**

Thoroughly investigate the Report immediately. Take detailed notes of all allegations of Workplace Violence-- make sure you ask for every incident of Workplace Violence to exhaust all allegations so there are no surprise allegations later.

You may want to consider having each witness (including the Reporting witness/victim) fill out a Workplace Violence Investigative Questionnaire. That can be accessed by the witness in the HR Hotlink system by clicking on the Hotline tab. They will then be prompted to fill out a questionnaire once they indicate the report is related to Workplace Violence.

If you do not get Questionnaires from each witness, or you still have factual questions based on the completed Questionnaire, you should interview the witnesses as soon as possible. In interviewing the witness, you should take detailed notes and you should abide by the following guidelines:

* Have another manager with you.
* Remain objective.
* Determine the identity of the aggressor or perpetrator of the workplace violence where possible.
* Determine when and where the incident(s) occurred.
* Determine if the incident was isolated or part of a series.
* Get specific details of the incident(s).
* Ask the complainant his/her reaction to the incident(s).
* Determine if there were any witnesses to the incident(s).
* Determine if the complainant has spoken to anyone else about the incident(s).
* Assure the complainant that the Report will be taken seriously and investigated thoroughly.
* Assure the complainant that the Report will be kept as confidential as possible consistent with an appropriate investigation.
* Never agree to forego investigation of a Report pursuant to the complainant's request for confidentiality.

In appropriate circumstances (e.g., where no safety risk exists) you should also interview the alleged perpetrator/aggressor. You should:

* Have another management official with you.
* Remain objective.
* Determine if the accused aggressor/perpetrator knows of the incident or incidents to which the complainant is referring. If so:
	+ determine when and where the incident(s) took place;
	+ get specific details of the incident(s);
	+ determine if there were any witnesses to the incident(s); and
	+ determine if the accused aggressor/perpetrator has spoken to anyone else about the incident(s).

If not: determine the accused aggressor/perpetrator's perception of his/her working relationship with the complainant;

* + ask whether the complainant and accused aggressor/perpetrator socialized together (alone/group);
	+ determine if the accused aggressor/perpetrator(s) knows of any reason why the complainant would make the allegation; and
	+ When the accused aggressor/perpetrator is the complainant's supervisor, determine if the complainant was recently granted or denied any job benefits, e.g., raises, promotions.

Assure the accused aggressor/perpetrator that the Report will be kept as confidential as possible consistent with an appropriate investigation.

In interviewing a witness who Is not the alleged perpetrator/aggress or the victim, you should:

* When the witness is a current or former employee, review his or her personnel file prior to the interview.
* Inform the witness that the investigation is confidential. Inform current employees that a

breach of confidentiality will result in disciplinary action.

* Be alert to the privacy rights of both the complainant and the accused aggressor/perpetrator.
* Remain objective.
* Don't give details of the Report unless it is necessary to obtain relevant information.
* Phrase questions so as not to give unnecessary information.
* Do not automatically limit the investigation to witnesses currently in the workforce. Interview former employees, friends and relatives of both the complainant and the accused aggressor/perpetrator as necessary if they are witnesses to a past event when they were employed.

*An employer's failure to keep the investigation confidential can lead to defamation or invasion of privacy claims.*

After a workplace incident, the WVPP administrator or their designee will implement the following post-incident procedures:

• Visit the scene of an incident as soon as safe and practicable.

• Interview involved parties, such as employees, witnesses, law enforcement, and/or security personnel.

• Review security footage of existing security cameras if applicable.

• Examen the workplace for security risk factors associated with the incident, including any previous reports

of inappropriate behavior by the perpetrator.

• Determine the cause of the incident.

• Take corrective action to prevent similar incidents from occurring.

• Record the findings and ensure corrective actions are taken.

• Obtain any reports completed by law enforcement.

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INVESTIGATION REPORT WIZARD

**PROCEDURES FOR POST INCIDENT RESPONSE AND INVESTIGATION**

The incident occurred on [date], at [time], in the following location [description of location].

The details of the incident are as follows: [taken from detailed description of incident from Hotline Report (or Initial Report of Incident done by HR)]

The workplace violence or threat of violence was committed by [name of perpetrator] who was a [client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or other perpetrator.][information comes from Initial Report and/or Investigation]

Based on the classifications listed by Cal/OSHA, I have classified the circumstances at the time of the incident as [o A classification of circumstances at the time of the incident, including, but not limited to, whether the employee was completing usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, working in a community setting, or working in an unfamiliar or new location.

The incident occurred in the [list of options: parking lot or other area outside the workplace, new car showroom, business office, sales department, finance department, internet department, service department, parts department, body shop, other area: \_\_\_\_\_\_.]

The incident involved the following: [they can select one or more]

▪ Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.

 ▪ Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.

 ▪ Threat of physical force or threat of the use of a weapon or other object.

▪ Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.

▪ Animal attack: [list type of animal and description].

▪ Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.]

o The following were consequences of the incident: [this comes from initial report/hotline]

Options:

Security or law enforcement was contacted and their response was [type in information here]

We found that our current actions taken were adequate to protect employees.

Or

We found that we need to take the following actions in the future to protect employees from a continuing threat or from any other hazards identified as a result of the incident. Those actions are as follows [type in actions to be taken].

This Investigation report was completed by [name of the person doing drafting this report, who is the [job title] and this report was completed on [today’s date].

I have reviewed prior incidents of workplace violence as part of my investigation.

Based on my review I do not believe any other steps need to be taken.

 Or

Based upon my review I believe we should add the following additional support and resources [write in recommended support and resources such as; trauma counseling services to affected employees, referrals to counseling services, providing information on Employee Assistance Programs, time off work to recuperate, etc.]

I have ensured that no personal identifying information is recorded or documented in this written investigation report where required for privacy. This includes information which would reveal identification of any person involved in a violent incident, such as the person’s name, address, electronic mail address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person’s identity.

I have determined that the appropriate discipline for the following person(s) is appropriate:

 [name of person that should get discipline]: [user writes in appropriate discipline and why]

[name of person that should get discipline]: [user writes in appropriate discipline and why]

[name of person that should get discipline]: [user writes in appropriate discipline and why]

I have followed up with the victim and informed them of my findings.

I have read and reviewed this Workplace Violence Investigation Report and believe it to be true and accurate to the best of my knowledge and ability.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* Corrective action must be appropriate to the conduct which occurred.
* All corrective actions taken should be documented. You should include a summary of the investigation explaining the appropriateness of the action.

# Follow Through

* Inform the complainant that action has been taken.
* Instruct the complainant to immediately report recurring or continuing Workplace Violence.
* Obtain a signed memorandum documenting that:
* All incidents/Reports of Workplace Violence have been discussed and are contained in detail in the memorandum.
* The complainant has been informed that corrective action has been taken.
* The complainant has been informed to immediately report continuation or recurrent of Workplace Violence.