

Town of Brookline



WORKPLACE SAFETY POLICY

TOWN OF BROOKLINE

WORKPLACE SAFETY POLICY

1. INTRODUCTION
 - A. Policy Statement
 - B. Support for Victims of Violence
 - C. Distribution, Posting and Training
 - D. Collective Bargaining Agreements
 - E. Scope of Coverage
2. PROHIBITED CONDUCT
 - A. Definition of Prohibited Conduct
 - B. Enforcement
3. REPORTING PROCEDURES
 - A. Reporting and Investigation
 - B. Reporting of Domestic Violence and Threats of Domestic Violence
 - C. Documentation
 - D. Confidentiality
4. RISK REDUCTION MEASURES
 - A. Hiring
 - B. Prohibition Against Weapons in the Workplace
 - C. Safety Assessment
 - D. Individual Assessment
 - E. Mail Handling Safety
 - F. Threatening Phone Calls or Letters
5. DOMESTIC VIOLENCE
 - A. Definition
 - B. Support and Assistance
 - C. Types of Support
 - (1) Resource and Referral Information
 - (2) Temporary Adjustment to Worksite or Work Location
 - (3) Increase Awareness of Potential Threat
 - (4) Scheduling of Leave and Adjustment of Work Schedule

APPENDIX A

1. CHARACTERISTICS OF RELATIONSHIPS IN WHICH THERE MAY BE DOMESTIC VIOLENCE
2. RESOURCES

TOWN OF BROOKLINE

WORKPLACE SAFETY POLICY

1. INTRODUCTION

A. Policy Statement

Workplace Safety is everyone's responsibility. The Town of Brookline is committed to providing a safe workplace for all Town employees. The Town prohibits any type of workplace violence or threats of violence committed by or against employees. All employees are encouraged to report all conduct which could pose a threat to themselves or their co-workers. This Policy is being implemented to improve workplace safety and to provide some assistance to victims of violence. However, the Town cannot insure safety and employees cannot rely upon this Policy to protect their safety. Employees are reminded to be careful, observant of all safety rules and practices and vigilant for themselves and others. It is the obligation of all Town employees to work with the Town to implement this Policy.

B. Support for Victims of Violence

The Town recognizes that all forms of violence and threats of violence directed at employees, including domestic violence, regardless of whether or not an actual incident occurs at work, have an impact upon the workplace. Where possible, the Town is committed to providing appropriate support and assistance, as outlined in this policy, to employees who are victims of violence. The Town does not discriminate in employment based on an employee's status as a victim of domestic violence or other types of violence.

C. Distribution, Posting and Training

To improve workplace safety and to reduce the risk of violence, all employees should review and understand all provisions of the Workplace Safety Policy ("the Policy"). All employees will be provided with a copy of the Policy upon adoption. The Town will also distribute the Policy to each new employee at the time of his/her orientation. All Department Heads will receive a copy of the Policy and will be required to attend a training program(s) concerning its implementation. The Town will post information about the Policy in work areas, on Town message boards, the Town's Intranet, in the Human Resources Department.

D. Collective Bargaining Agreements

This policy does not modify or supersede the provisions of any applicable collective bargaining agreements.

E. Scope of Coverage

This policy applies to all persons employed by the Town of Brookline Board of Selectmen and any of the departments and divisions that report to the Board of Selectmen including represented and unrepresented employees, and to volunteers, interns, and, where applicable, to appointed and elected officials of the Town of Brookline, collectively referred to as "employees" herein. This policy does not apply to members of the Brookline School Committee or any of the employees of departments or divisions that report to the Brookline School Committee, including volunteers or interns of the Brookline Public School System.

2. PROHIBITED CONDUCT

A. Definition of Prohibited Conduct

Employees (with the exception of Police officers acting within the scope of their employment) are prohibited from engaging in any conduct at work that is intended to cause physical injury to another or to cause another reasonably to be placed in fear for his/her physical safety. This includes, but is not limited to: actually causing physical injury to another person, making threatening remarks about causing physical injury to another person, engaging in aggressive or hostile behavior that creates reasonable fear of injury to another person or intentionally damaging employer property or another person's property. Other prohibited conduct includes using Town equipment such as telephones, e-mail, mail system, facsimile machine, copy machine, vehicles, or other equipment and resources for the purpose of causing physical injury to another or causing another reasonably to be placed in fear for his/her physical safety.

B. Enforcement

In addition to violating this Policy, prohibited conduct may also constitute violations of the Town's Policy Against Sexual Harassment and the Information Technology Resources Policy and state and/or federal law. Prohibited conduct may subject the perpetrator to criminal prosecution and/or civil liability. The Town considers acts of violence and threats of violence by an employee while on duty or while on Town Property to constitute just cause for disciplinary action up to and including termination. The Town also considers off-duty criminal conduct that perpetrates domestic violence, or other forms of violence, upon an individual as incompatible with public service.

3. REPORTING PROCEDURES

A. Reporting and Investigation

Any employee who perceives an imminent threat to any person's physical safety should call 911 and notify his/her Department Head and the Human Resources Director as soon as practicable.

In non-emergency situations, any employee, who reasonably believes a violation of the Policy has occurred, or reasonably may occur, shall, as soon as practicable, report the violation/potential violation to his/her Department Head.

Any Department Head, who receives a report or has first-hand knowledge that a violation of this Policy has occurred, or reasonably may occur, shall, as soon as practicable, report this to the Human Resources Director, who, shall report the violation/potential violation to the Brookline Police Department.

Any incident that may reasonably be considered a violation of this Policy will be investigated. The Department Head, the Human Resources Director, and the Brookline Police Department, when necessary, will make a determination as to the most appropriate party to conduct the investigation and the manner and extent to which any such investigation will be conducted. This Policy notwithstanding, the Town is not obligated to undertake any specific type or scope of investigation.

B. Reporting of Domestic Violence and Threats of Domestic Violence

In the case of Domestic Violence, in addition to the reporting requirements in 3.A. above, the Department Head must contact the Brookline Police Department Domestic Violence Unit and the Human Resources Director.

- C. Documentation
A Department Head or his designee shall document, in summary form, any report of a violation of this Policy and any steps taken in response thereto.
- D. Confidentiality
Reports of incidents or information that warrants confidentiality will be disclosed to others on a need-to-know basis. If an investigation ensues, all employees directly involved will be contacted, and the results of investigations may be discussed with the affected parties as the Town and/or Police Department deems appropriate.

4. RISK REDUCTION MEASURES

- A. Hiring
The Commonwealth of Massachusetts requires that employers file for and review the criminal records of all applicants for positions that may have unsupervised contact with the elderly or with children. The Appointing Authority and Human Resources Department will request such information from the Massachusetts Criminal Offender Record Information Board and will review the information that is provided in response to this information request
- B. Prohibition Against Weapons in the Workplace
Employees shall not carry or have within their possession or control any type of firearm or dangerous weapon while (1) working for the Town or acting within the scope of their employment with the Town or (2) while on property owned or controlled by the Town at any time, whether or not the employee, is acting within the scope of his or her employment/assignment/position unless written permission is obtained, in advance, with regard to the specific hand gun, firearm, or weapon, from the Chief of Police after consultation with the employee's department head and provided such employee has the required license. This prohibition shall not apply to full-time police officers employed by the Town of Brookline, unless otherwise ordered by the Chief of Police. This provision does not apply to tools or implements that have been issued to an employee by the Town for purpose of the employee carrying out his/her job duties.

If there is any doubt about the application of this section, the Employee is directed to discuss the matter with his or her Department Head.

- C. Safety Assessment
The Building Department, in consultation with the Brookline Police Department, will, as they deem necessary, conduct inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. The Fire Department , in consultation with the Building Department, will conduct periodic evacuation drills of all public buildings and will prominently post emergency evacuation procedures. The Information Technology Department will to the extent practicable take reasonable steps to ensure that all town telephone lines have access to the Emergency 911 System.
- D. Individual Assessment
The Town does not expect employees to be skilled in identifying potentially dangerous persons or situations. However, Department Heads, Supervisors, and all other employees are expected to exercise good and reasonable judgment and vigilance in aiding the Town with the enforcement of this Policy. Employees should pay special attention to the following behaviors:

- Discussing the use of weapons on others or bringing weapons to the workplace without authorization.
- Displaying overt and/or uncharacteristic signs of extreme stress, resentment and/or hostility that could lead a reasonable person to believe the individual will engage in unlawful violent behavior.
- Making serious threatening remarks about other employees, officials, family members, or groups of people that could lead a reasonable person to believe the individual will engage in unlawful violent behavior.
- Displaying seriously irrational or inappropriate behavior that could lead a reasonable person to believe the individual will engage in unlawful violent behavior.

E. Mail Handling Safety

During times of heightened security, or when the Town is aware of any specific concern, the Brookline Health Department may provide employees with specific instruction about precautionary measures for the safe handling of in-coming mail. Examples of basic precautionary steps for handling mail are: wear protective gloves; examine the mail before opening and distributing it; open mail carefully using tools such as letter openers; and wash your hands with soap and water after handling the mail.

At certain times, current events may result in employees feeling anxious about handling incoming mail despite the fact that there maybe no reasonable basis for believing that such activity will be dangerous. While the Town will not dismiss an individual employee's concern regarding this matter, unless the Town determines that there is a reasonable basis to be concerned I, employees whose jobs require them to open mail are expected to continue doing so unless otherwise directed by the Town. However, employees may choose to employ any of the precautionary measures outlined above at any time. If an employee has any questions about safe mail handling procedures he/she should contact the Director of Public Health and request a copy of the specific procedures that have been developed by the Health Department regarding this matter

F. Threatening Phone Calls or Letters

Based on past experience, it is extremely unlikely that any employee will receive a threatening phone call or letter about a planned violent or hazardous act. The Town has never experienced a legitimate threat of this nature. However, if an employee were to receive a threatening call, he/she should record the caller ID phone number, if possible; immediately call 911; and immediately inform the Department Head, Human Resources Director or Town Administrator. The Brookline Police Department has developed a Bomb Threat Information Card. Each employee, who has a telephone at his/her worksite, should have a copy of the card within the immediate vicinity of his/her phone. If an employee were to receive a threatening letter he/she should immediately contact his/her Department Head or the Town Administrator.

5. DOMESTIC VIOLENCE

A. Definition

Domestic violence is physical abuse or the placing of one in reasonable fear for his/her physical safety or integrity committed by someone who is or was in a family, domestic, social, or dating relationship against one or more persons in that relationship. Most often, it is intended to establish and maintain control over a

partner. For the purposes of this policy, the following are examples of domestic violence: (1) attempting to cause or causing physical harm; (2) placing another in fear of imminent serious physical harm; (3) causing another to engage involuntarily in sexual relations by force, threat or duress or engaging or threatening to engage in sexual activity with a dependent/minor child;(4) engaging in threats, intimidation or acts designed to induce terror; (5) depriving another of medical care, housing (without a court order), food or other necessities of life; and (6) restraining the liberty of another without a court order. Domestic violence can occur in any racial, economic, educational, religious, and cultural background, in heterosexual and same sex relationships, between people living together or separately, married or unmarried, in short-term or long-term relationships. Domestic violence is a major cause of injury to women, although men also may be victims of domestic violence. Characteristics to look for which may indicate the existence of domestic violence in a relationship are provided in the Appendix A (I) of this policy.

B. Support and Assistance

The Town strongly encourages any person who believes that he/she is a victim of domestic violence to contact his/her local police department and to get a restraining order against the perpetrator from a court and to include the address of his/her place of work in the restraining order. Remember, domestic violence includes being placed in reasonable fear for one's physical safety (assault) as well as actual physical harm or unwanted touching (battery). The Town also strongly encourages any employee who has received a restraining order to immediately contact the Town of Brookline Police Department, Domestic Violence Unit at (617) 730-2247. The Town may be able to help enforce civil protection orders (i.e., restraining orders or no-contact orders or judgments) of which it has knowledge. In certain circumstances the Town may also file a civil "No Trespass" order against the perpetrator, or potential perpetrator. The Domestic Violence Unit is available to assist all Town employees who have concerns about domestic violence, regardless of whether or not the employee, or the perpetrator, is a resident of the Town.

Additionally, the Town of Brookline strongly encourages any employee who believes that he/she is a victim of domestic violence to contact the resources listed in Appendix A (II), and/or any of the following individuals: the employee's Department Head and/or Direct Supervisor, the Human Resources Director, or the Coordinator of Substance Abuse and Violence Prevention in the Health Department.

Once the Town is aware that an employee is alleged to have been the victim of violence or threat of violence including domestic violence, the Town may be able to provide the types of assistance that are listed below. In some circumstances the Town may not be able to provide one or more of these types of assistance, but the Town will make good faith efforts to develop a plan which allows the employee to continue to perform all of the essential functions of his/her job, while at the same time providing the flexibility for the employee to take the necessary actions to provide for his/her safety and that of his/her family.

C. Types of Support

Examples of potential types of assistance include:

(2) Resource and Referral Information

Appendix A of this policy lists a range of resources that are available to both victims and perpetrators of domestic violence. The Human Resources

Department will periodically review this list of resources to update contact numbers and list additional resources that may become available.

(2) Temporary Adjustment to Worksite or Work Location

An employee and his/her Department Head, in consultation with the Brookline Police Department, may determine that it is necessary to make temporary adjustments to the employee's worksite or work location. These temporary adjustments may include redirecting certain incoming mail, email, facsimiles, or other modification to decrease an alleged perpetrator's ability to contact the employee at work. In certain circumstances this temporary adjustment may include relocating the employee's worksite in an effort to decrease the likelihood that the employee may come in contact with the alleged perpetrator. Where possible, the Town, upon recommendation of the Police Department, may be able to take additional measures to increase the employee's workplace security. Depending on the nature of a recommended temporary adjustment, the Town may need to consult and/or negotiate with the employee's union. Remember, while the Town will take reasonable steps to protect its employees, it cannot guarantee safety. Employees must also take reasonable steps to protect their own safety.

(3) Increase Awareness of Potential Threat

In cases where an employee has obtained a restraining order from a court, the Town/department head, in consultation with the employee and the Brookline Police Department may determine that certain steps need to be taken to increase the awareness of other employees, and/or police officers, that an employee may be at risk of violence in the workplace. These steps may be taken if they are necessary, in the Town's opinion, for the employee's safety and/or the safety of the employee's co-workers.

(4) Scheduling of Leave and Adjustment of Work Schedule

An employee may request leave and/or an adjustment in his/her work schedule to address issues related to his/her own personal safety and the safety of the employee's family. The Department Head, in consultation with the Human Resources Director, shall determine whether to authorize leave and/or make an adjustment to the employee's work schedule after considering the needs of the employee and the operations of the department and after consultation with the union where applicable and required.

Use of paid leave must be consistent with the purpose for which such leave is provided in any applicable collective bargaining agreement and/or the Human Resources by-law for the Town. The Human Resources Director will advise the employee if he/she is or may be eligible for leave under the Family Medical Leave Act or the Small Necessities Leave Act.

When an employee is required to attend a court or other legal proceeding in connection with being the victim of violence, and the employee has exhausted all available vacation and personal leave, the employee will, consistent with the needs of the Town, be provided with reasonable unpaid leave for the purpose of attending the court or legal proceeding. To be eligible for such leave, the employee must provide the Town with as much prior notice of the employee's need for such leave as is practicable under the circumstances.

Voted by the Brookline Board of Selectmen
February 2004

DOMESTIC VIOLENCE
APPENDIX A

1. CHARACTERISTICS OF RELATIONSHIPS IN WHICH THERE MAY BE DOMESTIC VIOLENCE

Relationships in which there is domestic violence are often characterized by one or more of the following actions by the offender:

- Controls what victim does, who the victim sees and where the victim goes
- Criticizes, insults or yells at the victim
- Insults the victim's family and friends and attempts to isolate the victim from them
- Constantly suspicious of the victim's activity and accuses the victim of affairs
- Degrades the victim, ridicules the victim's beliefs and values
- Controls the victim's money, prevents the victim from holding a job or earning an income
- Refuses to work, takes the victim's money and doesn't share financial responsibilities
- Threatens to hurt the victim, the victim's family, friends, or pets
- Hits, pushes, shoves, kicks, punches, or throws objects at the victim
- Prevents the victim from leaving the victim's house or other places
- Uses looks, gestures, and/or expressions, to intimidate the victim
- Destroys the victim's property
- Refuses to get help when the victim is sick or injured
- Threatens to or forces the victim to have sexual relations against the victim's will, or if the victim is a child, threatens or forces the victim to have sexual relations

The above list gives only some examples of abusive behavior in a domestic violence situation, but is not all-inclusive. Conduct not described in the examples may also be present in a relationship in which there is domestic violence.

2. RESOURCES

For victims: (most of these numbers are 24-hour hotlines)

- Brookline Police Domestic Violence Unit - (617) 730-2247
- Norfolk District Attorney Domestic Violence Advocate for the Brookline District Court -(617) 738-5072
- Domestic Violence SafeLink (Massachusetts hotline program of Casa Myrna Vasquez) – 1-877-785-2020 -(TTY) 1-877-521-2601
- National Domestic Violence Hotline - 1-800-799-SAFE
- DOVE, Inc. - 1-888-314-3683 or (617) 471-1234
- Fenway Community Health Center - 1-800-834-3242 (Same sex domestic violence)
- The Wellness Corporation (the Town's Employee Assistance Provider) -1-800-828-6025
- Springwell Elder Abuse Hotline – (617) 926-4100
- The Brookline Council on Aging – (617) 730-2777
- Brookline Community Mental Health – (617) 277-8107

For perpetrators:

- Gene Murray, Modern Assistance Program 1-617-774-0331
- The Wellness Corporation (the Town's Employee Assistance Provider) -1-800-828-6025
- Emerge - 1-617-442-1550
- Common Purpose - 1-617-739-3831