

Reference: SAFETY
Title: WORKPLACE VIOLENCE
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I. PURPOSE

The purpose of this policy is to promote a workplace environment free of acts of violence, threats of violence and intimidation for all employees of the Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc. (collectively referred to as "NFTA" or "Authority").

II. APPLICABILITY

All employees of the Authority are required to comply with this policy.

III. DEFINITIONS

Workplace - any Authority property, vehicles, offices, facilities, Authority sponsored events and any location, either permanent or temporary, where an employee performs any work-related duty.

Workplace-Related - arising from an individual's employment with the Authority and/or from work relationships with Authority employees, officers, contractors, agents or customers.

Weapon:

- a. Any firearm, rifle or shotgun including but not limited to a:
 - Machine gun
 - Assault weapon
 - Stun gun
 - Air gun, Spring gun or BB gun
 - Knife, other than a Swiss-army type implement, pen knife or knife designed for cooking, serving or table use
 - Bomb, incendiary device or explosive
 - Hazardous substance as defined by the Occupational Safety and Health Administration (OSHA) and is not issued by the Authority for use in the workplace
- b. Any other item listed in New York State Penal Code Section 265.00 or prohibited under Article 265 of that Code and any device, chemical substance or instrument for which possession, or use, is prohibited by federal law or any applicable local law or ordinance.
- c. Any toy or replica of an item in "a" OR "b" above
- d. "Noxious material" as defined in Section 270.05(1) of the New York State Penal Code.

Intimidation - an intentional act, whether verbal or non-verbal, that causes another person to fear for their safety or property or the safety of others, including, but not limited to, stalking, harassing phone calls, name-calling, obscene language and other abusive behavior.

Threat of Violence - an intentional act, whether verbal or non-verbal, that threatens harm to oneself or another person or damage to property.

Act of Violence - an intentional physical or aggressive act that causes or results in bodily harm, however slight, to another person or damage to property, other than justifiable self-defense.

NOTE: An act of violence, a threat or intimidation will not be considered to be an unintentional act under this policy because of the subjective belief of the responsible person that the act was meant as a “joke” or “teasing.” An act will be judged from the perspective of a reasonable person in the position of the person against whom the act was directed or made.

IV. POLICY

Employees are prohibited from engaging in acts of violence, acts of intimidation and/or from making threats of violence against any person in the workplace or that are workplace-related. The Authority will not tolerate any type of workplace or workplace-related violence committed by or against employees, passengers and/or guests. This shall include actions taken on social media. All reported incidences will be investigated, and appropriate action will be taken. Employees are prohibited from engaging in acts of violence or intimidation and from making threats of violence against any person.

Employees are also prohibited from bringing into, possessing and/or using any weapon in any workplace. The possession of a permit to possess or carry a weapon shall not be a defense to a violation of this policy. The sole exception to the prohibition against weapons in the workplace shall be for sworn law enforcement officers or firefighters possessing and/or using a weapon authorized by both law and the Authority.

The process involved in creating this policy included an evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who have an ongoing role of participating in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations.

V. EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to this policy. Employees are directed to review and familiarize themselves with the provisions of this workplace violence policy in order to promote a safe workplace/environment, to reduce the risk of violence and to educate themselves as to prohibited conduct. It is the responsibility of every employee to assist and cooperate in making the workplace as safe as possible by refraining from prohibited conduct and by promptly reporting threats of violence, acts of violence or intimidation to a supervisor and/or Transit Police, regardless of whether the employee is the object of the conduct.

- Employees are to report any violation of this policy to their next-in-line supervisor who is not a party to the violation. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action for good faith reporting pursuant to this policy.
- Employees who are the subject of, or witness to, a possible violation of this policy may be required by management to document their experience or observations in order to investigate the situation.
- Employees are required to report and provide documentation regarding Restraining Orders (Orders of Protection) to Transit Police and to their supervisors when those orders may affect the workplace.
- Employees are directed to report to Transit Police and to their supervisors any situation that may present an imminent danger of violence in the workplace.

VI. SUPERVISORY RESPONSIBILITIES

All supervisory employees are required to adhere to this policy.

Supervisors have a crucial role in making the workplace a safe and secure working environment by reducing the potential for employee workplace violence through training, appropriate and consistent use

of sound supervisory practices and by applying timely corrective action when necessary. Persons who engage in threats of violence, intimidation or acts of violence are to be immediately removed from the workplace pending full investigation of their conduct.

It is the responsibility of all supervisors to document and process all reports made under this policy in order that appropriate corrective action may be taken and consistent disciplinary action administered. A [Workplace Violence Incident Report Form](#) must be completed and immediately faxed to 716-608-1334. All incidents shall be reported to:

- Next-in-line supervisor
- Health, Safety and Environmental Quality (HSEQ) Department
- Human Resources Department and
- Transit Police Department by calling 716-855-6430 when appropriate.

Note: During an actual emergency, Transit Police should be notified at 716-855-6405.

All investigations will be treated as confidentially as practicable.

VII. ENFORCEMENT

Threats of violence, intimidation, or acts of aggression or violence in the workplace or that are workplace-related will not be tolerated. Employees who engage in such conduct in the workplace will be immediately removed from the workplace pending investigation of the incident. Any employee ultimately determined to have committed a prohibited act or acts will be subject to disciplinary action, up to and including termination. Anyone engaging in acts prohibited by law in the workplace or that are workplace-related is also subject to criminal prosecution.