



State of California

Department of Industrial Relations

Cal/OSHA

Cal/OSHA Guidelines for Workplace Security

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INTRODUCTION

Workplace safety and health hazards affecting California employees have traditionally been viewed as arising from unsafe work practices, hazardous industrial conditions, or exposures to harmful chemical, biologic or physical agents, not from violent acts committed by other human beings. Recently, though, employees, as well as supervisors and managers, have become all too frequent victims of assaults or other violent acts in the workplace which entail a substantial risk of physical or emotional harm. Many of these assaults result in fatal injury, but an even greater number result in nonfatal injury, or in the threat of injury, which can lead to medical treatment, missed work, lost wages and decreased productivity. A single explanation for the increase in workplace violence is not readily available. Some episodes of workplace violence, like robberies of small retail establishments, seem related to the larger societal problems of crime and substance abuse. Other episodes seem to arise more specifically from employment-related problems.

What can be done to prevent workplace violence? Any preventive measure must be based on a thorough understanding of the risk factors associated with the various types of workplace violence. And, even though our understanding of the factors which lead to workplace violence is not perfect, sufficient information is available which, if utilized effectively, can reduce the risk of workplace violence. However, strong management commitment, and the day-to-day involvement of managers, supervisors, employees and labor unions, is required to reduce the risk of workplace violence.

Cal/OSHA Guidelines for Workplace Security are a product of a broad public advisory process which was initiated at a Conference on Workplace Security held in Los Angeles in April of 1994 and continued at a Second Conference held in San Francisco in November of 1994.

Workplace violence has become a serious occupational health problem requiring the combined efforts of employers, employees, labor unions, government, academic researchers and security professionals. The problem cannot be solved by government alone.

These Guidelines for Workplace Security are designed to provide information and guidance about workplace security issues to California employers and employees as well as to Cal/OSHA personnel. Cal/OSHA welcomes all comments regarding the Guidelines and plans to revise the Guidelines on a periodic basis as more information about workplace violence risk factors and preventive measures becomes available.

SCOPE OF THE WORKPLACE VIOLENCE PROBLEM

The scope of the workplace violence problem can be defined in a number of different ways depending on the nature of the injury. One important distinction involves those workplace assaults which result in fatal injury and those which result in non-fatal injury. The scope of the workplace violence problem also includes the threat of injury, i.e., an expression of an intention to do physical harm.

Fatal Injury

Statistics

While the total number of workplace fatalities has declined over the past decade in California, the number of deaths resulting from assaults and other violent acts has significantly increased while other major categories of occupational fatalities have decreased. In fact, data from the California Census of Fatal Occupational Injuries and Illnesses (CFOI), compiled by the Division of Labor Statistics and Research (DLSR), indicate that the category of assaults and violent acts (made up of homicides and suicides) now accounts for more workplace fatalities than the combined number of fatalities due to the more traditional causes of workplace death, such as falls, contact with objects and equipment, and exposure to harmful substances or environments.

Data from 1992 indicate that the leading cause of occupational fatalities was transportation accidents which resulted in 254 deaths, or 39.1% of the total number of 649 fatalities. Assaults and violent acts were the second leading cause of fatal occupational injuries in 1992 with 197 deaths or 30.3% of total fatalities. In that year the subcategory of workplace homicides accounted for 163 deaths or 24.1% of the total fatalities. See the Table below.

NUMBER AND PERCENT DISTRIBUTION OF
FATAL OCCUPATIONAL INJURIES
by event or exposure, California, 1992-93*

	1993		1992	
	Event or Exposure Number	Percent	Event or Exposure Number	Percent
Totals	652	100.0	649	100.0
Assaults and violent acts	243	37.3	197	30.4
Homicides	204	31.3	163	25.1
Shooting	170	26.1	138	21.3
Stabbing	13	2.0	12	1.8
Self-inflicted injury	37	5.7	34	5.2
Transportation accidents	239	36.7	254	39.1
Highway accident	130	19.9	136	21.0
Collision between vehicles, mobile equipment	81	12.4	74	11.4
Noncollision accident	42	6.4	38	5.9

Nonhighway accident, except rail, air, water	28	4.3	18	2.8
Noncollision accident	24	3.7	16	2.5
Pedestrian, nonpassenger struck by vehicle, mobile equipment	37	5.7	45	6.9
Aircraft accident	37	5.7	50	7.7
Contact with objects and equipment	55	8.4	73	11.2
Struck by object	29	4.4	35	5.4
Struck by falling object	21	3.2	22	3.4
Caught in or compressed by equipment or objects	19	2.9	33	5.1
Caught in or crushed in collapsing structure/materials	6	0.9	5	0.8
Falls	50	7.7	56	8.6
Fall to lower level	39	6.0	44	6.8
Fall on same level	8	1.2	6	0.9
Exposure to harmful substances or environments	44	6.7	57	8.8
Contact with electric current	26	4.0	31	4.8
Exposure to caustic, noxious, or allergenic substances	10	1.5	15	2.3
Oxygen deficiency	8	1.2	9	1.4
Drowning, submersion	5	0.8	9	1.4
Fires and explosions	19	2.9	10	1.5

*Previous counts have been revised to include cases tabulated after the cut-off date.

Notes: Totals include data for subcategories not shown separately. Percentages may not add to totals due to rounding.

Source: California Division of Labor Statistics and Research, in cooperation with the U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries. - March, 1995

In 1993, the category of assaults and violent acts became the leading cause of occupational fatalities in California. The number of assaults and violent acts increased 23.3%, from 197 in 1992 to 243 in 1993.

Occupational fatalities due to all other major causes (except fires and explosions) decreased from 1992 to 1993.

Most of the increase in fatal assaults and violent acts was due to a rise in the number of workplace homicides (the subcategory of self-inflicted injury, or suicides, increased by only three fatalities between 1992 and 1993). Thus, in just one year the number of workplace homicides increased 25.1%, from 163 deaths in 1992 to 204 deaths in 1993 and now represent 31.2% of the total fatalities--up 7.1% from 24.1% in 1992.

California now joins a growing list of states, and the District of Columbia, in which assault and violent acts represents the leading cause of death in the workplace.

The shift from traditional workplace hazards to homicides as the leading cause of workplace fatalities demands that federal and state occupational safety and health programs join with other government agencies, the public health community, employers, labor unions and employees, and workplace security professionals to develop strategies to prevent workplace violence.

High-Risk Occupations and Workplaces for Fatal Assault

Workplace fatality data consistently demonstrate that the occupation with the highest rate of workplace homicides is that of taxicab driver (SIC Code 4121). The National Institute for Occupational Safety and Health (NIOSH) determined that from 1980 through 1989 taxicab establishments had an occupational homicide rate of 26.9 per 100,000 workers per year.

Other high-risk occupations/workplaces include: liquor stores (SIC Code 5921), with a rate of 8.0; gas stations (SIC Code 5541), with a rate of 5.6; detective or protective services (SIC Code 7381), with a rate of 5.0; justice and public order establishments (SIC Code 9221), with a rate of 3.4; grocery or convenience food stores (SIC Code 5411), with a rate of 3.2; jewelry stores (SIC Code 5944), with a rate of 3.2; small hotels or motels (SIC Code 7011), with a rate of 1.5, and eating/drinking establishments (SIC Codes 5812 and 5813), with a rate of 1.5.

Self-Employed

In 1993, 71, or 34.8%, homicide fatalities involved individuals who were independent contractors, self-employed owners or operators or who were assisting in a family business at the time of the fatal assault. Self-employed individuals are at significant risk of fatal workplace assault. In fact, in 1993, the single largest cause of workplace death for self-employed persons was assault--71, or 48.3%, of the 147 workplace fatalities among self-employed individuals were due to assault.

Cal/OSHA is committed to reducing workplace assaults in all at-risk occupations, including occupations largely composed of those who are self-employed or who assist in a family business. Cal/OSHA will work with public health and law enforcement agencies to develop and promote strategies to reduce the risk of homicide in these non-employee populations. In addition, Cal/OSHA will work with small business associations, taxicab driver associations and other representatives of at-risk independent contractors or retail owner/operators to reduce their risk of workplace homicide.

Women

The demographic profile of victims of fatal workplace assaults indicate that the majority are male. However, even though the overall fatal workplace injury rate for women is substantially lower than it is for men, homicides represent the leading cause of death for women in the workplace.

In 1993, 30 of the 62 occupational fatalities in women, or 48.4%, were the result of workplace homicide. In contrast, only 29.5% (174 of 590) of occupational fatalities in men were the result of workplace homicide.

Nonfatal Injury and Threat of Injury

Homicide is only part of the workplace violence problem--assaults which result in nonfatal injury, or in the threat of harm, are more common than those which result in fatal injury. However, much less data is available about the occurrence of workplace assaults which result in nonfatal injury and the occurrence of threats.

Efforts are now being made in California and other states to determine the prevalence of nonfatal workplace assaults and threats and the specific occupations at risk for such assaults and threats. The following survey studies indicate that nonfatal workplace assaults and threats greatly outnumber fatal assaults.

National Crime Victimization Survey

The National Crime Victimization Survey, conducted by the Bureau of Justice Statistics of the U.S. Department of Justice, can be used to estimate the occurrence of workplace assaults which result in nonfatal injuries. In 1992, the National Crime Victimization Survey found that approximately 670,000 American workers were assaulted (simple assault, aggravated assault, robbery or rape) while at work or on duty, which represents approximately 11% of all violent crimes in the United States.

Northwestern Life Insurance Company Survey

A random sample of 600 full-time employees performed by the Northwestern Life Insurance Company in 1992 indicated that 3% of employees have been physically attacked in the workplace, 7% been threatened and 19% have been harassed. When extrapolated to the American working population, these results indicate that 2 million employees have been physically attacked, 6 million have been threatened and 16 million have been harassed. In the Northwestern Life Study, many of the employees who experienced injury, or threat of injury, experienced psychological trauma and stress-related disorders after the event which disrupted their work and home life.

Society of Human Resource Management Survey

A survey of 480 members of the Society of Human Resource Management (SHRM) found that a third of the respondents said their workplaces have experienced violent acts in the past five years, such as fist-fights (75%), shootings (17%), stabbings (7%) or sexual assaults (6%).

Washington State Psychiatric Facilities Survey

A 1992 study of assaults on staff in two Washington State psychiatric facilities revealed that 50% of all workers' compensation claims from hospital employees were related to injuries from workplace assaults.

The experience in California is similar to that of Washington State and led Cal/OSHA to develop and issue in 1993 separate Guidelines for Security and Safety of Health Care and Community Service Workers.

Thus, even though precise quantification of the scope of nonfatal workplace violence and threats is not possible at the present time, available survey data indicate the existence of a substantial and widespread problem.

TYPES OF WORKPLACE VIOLENCE EVENTS

When one examines the circumstances associated with workplace assaults in California, workplace violence events can be divided into three major types. However, it is important to keep in mind that a particular occupation or workplace may be subject to more than one type. In all three types of workplace violence events, a human being, or "hazardous agent," commits the assault.

In Type I, the agent has no legitimate business relationship to the workplace and usually enters the affected workplace to commit a robbery or other criminal act.

In Type II, the agent is either the recipient, or the object, of a service provided by the affected workplace or the victim, e.g., the assailant is a current or former client, patient, customer, passenger, criminal suspect, inmate or prisoner.

In Type III, the agent has some employment-related involvement with the affected workplace. Usually this involves an assault by a current or former employee, supervisor or manager; by a current/former spouse or lover; a relative or friend; or some other person who has a dispute with an employee of the affected workplace.

The characteristics of the establishments affected, the profile and motive of the agent or assailant, and the preventive measures differ for each of the three major types of workplace violence events.

Characteristics of Type I Events

In California, the majority (60%) of workplace homicides involve a person entering a small late-night retail establishment, e.g., liquor store, gas station or a convenience food store, to commit a robbery. During the commission of the robbery, an employee or, more likely, the proprietor is killed or injured. Employees or proprietors who have face-to-face contact and exchange money with the public, work late at night and into the early morning hours, and work alone or in very small numbers are at greatest risk of a Type I event. While the assailant may feign being a customer as a pretext to enter the establishment, he or she has no legitimate business relationship to the workplace.

Retail robberies resulting in workplace assaults usually occur between the hours of eleven in the evening and six in the morning and are most often armed (gun or knife) robberies. In addition to employees who are classified as cashiers, many victims of late night retail violence are supervisors or proprietors who are attacked while locking up their establishment for the night and janitors who are assaulted while cleaning the establishment after it is closed.

Other occupations/workplaces may be at risk of a Type I event. For instance, assaults on taxicab drivers also involve a pattern similar to retail robberies. The attack is likely to involve an assailant pretending to be a bona fide passenger during the late night or early morning hours who enters the taxicab to rob the driver of his or her fare receipts. Type I events also involve assaults on security guards. It has been known for some time that security guards are at risk of assault when protecting valuable property which is the object of an armed robbery.

Characteristics of Type II Events

A Type II workplace violence event involves an assault by someone who is either the recipient or the object of a service provided by the affected workplace or the victim.

Even though Type I events represent the most common type of fatal event in California, fatal Type II events involving victims who provide services to the public are also increasing. In 1993, fatal Type II events accounted for 30% of workplace homicides. Further, when more occupation-specific data about nonfatal workplace violence becomes available, nonfatal Type II events involving assaults to service providers, especially to health care providers, may represent the most prevalent category of workplace violence resulting in physical injury.

Type II events involve fatal or nonfatal injuries to individuals who provide services to the public. These events involve assaults on public safety and correctional personnel, municipal bus or railway drivers, health care and social service providers, teachers, sales personnel, and other public or private service

sector employees who provide professional, public safety, administrative or business services to the public.

Law enforcement personnel are at risk of assault from the "object" of public safety services (suspicious persons, detainees, or arrestees) when making arrests, conducting drug raids, responding to calls involving robberies or domestic disputes, serving warrants and eviction notices and investigating suspicious vehicles. Similarly, correctional personnel are at risk of assault while guarding or transporting jail or prison inmates.

Of increasing concern, though, are Type II events involving assaults to the following types of service providers:

Medical care providers in acute care hospitals, long-term care facilities, outpatient clinics and home health agencies;

Mental health and psychiatric care providers in inpatient facilities, outpatient clinics, residential sites and home health agencies;

Alcohol and drug treatment providers;

Social welfare service providers in unemployment offices, welfare eligibility offices, homeless shelters, probation offices, and child welfare agencies;

Teaching, administrative and support staff in schools where students have a history of violent behavior; and

Other types of service providers, e.g., justice system personnel, customer service representatives and delivery personnel.

Unlike Type I events which often represent irregular occurrences in the life of any particular at-risk establishment, Type II events occur on a daily basis in many service establishments, and therefore represent a more pervasive risk for many service providers.

Characteristics of Type III Events

A Type III workplace violence event consists of an assault by an individual who has some employment-related involvement with the workplace. Generally, a Type III event involves a threat of violence, or a physical act of violence resulting in a fatal or nonfatal injury, to an employee, supervisor or manager of the affected workplace by the following types of individuals:

A current or former employee, supervisor or manager; or

Some other person who has a dispute with an employee of the affected workplace, e.g., current/former spouse or lover, relative, friend or acquaintance.

Type III events account for a much smaller proportion of fatal workplace injuries in California than do Types I and II. For instance, in 1993, Type III events accounted for only 10% of workplace homicides. Nevertheless, Type III fatalities often attract significant media attention and are incorrectly characterized by many as representing "the" workplace violence problem. In fact, it is their media visibility which makes them appear much more common than they actually are.

Most commonly, the primary target of a Type III event is a co-employee, a supervisor or manager of the assailant. In committing a Type III assault, an individual may be seeking revenge for what he or she perceives as unfair treatment by a co-employee, a supervisor or a manager. Increasingly, Type III events involve domestic or romantic disputes in which an employee is threatened in their workplace by an individual with whom they have a personal relationship outside of work.

At first glance, a Type III assailant's actions may defy reasonable explanation. Often, though, his or her actions are motivated by perceived difficulties in his or her relationship with the victim, or with the affected workplace, and by psychosocial factors which are peculiar to the assailant.

Even though incomplete, existing data indicate that the number of Type III events resulting in nonfatal injury, or in no physical injury at all, greatly exceeds the number of fatal Type III events. Indeed, the most prevalent Type III event may involve threats and other types of verbal harassment.

Multiple Type Occupations/Workplaces

Increasingly, some occupations and workplaces are at risk of more than one type of workplace violence event.

Hospital emergency rooms, in addition to being at risk for Type II events involving assaults by patients, are also at risk for Type I events. For example, gang members can enter a hospital emergency room to disrupt the medical care of a rival gang member who survived the initial attack. In the process, emergency room personnel can be physically harmed.

Similarly, retail establishments at risk for Type I events, e.g., convenience stores, can also be at risk for Type III events. For instance, a convenience store employee can be fatally injured in the course of a robbery by an unknown assailant (Type I), or as a result of a dispute with a spouse/co-employee/acquaintance (Type III).

PREVENTIVE MEASURES

Initial Assessment

Many workplaces are at risk for workplace violence, but certain workplaces are recognized to be at significantly greater risk than others. Therefore, every employer should perform an initial assessment to identify workplace security factors which have been shown to contribute to the risk of violence in the workplace. If you have one or more of the following factors present in your workplace, you should consider your workplace to be at potential risk of violence:

Exchange of money;

Working alone at night and during early morning hours;

Availability of valued items, e.g., money and jewelry;

Guarding money or valuable property or possessions;

Performing public safety functions in the community;

Working with patients, clients, passengers, customers or students known or suspected to have a history of violence; or

Employees with a history of assaults or who have exhibited belligerent, intimidating or threatening behavior to others.

These are just some of the major factors that contribute to workplace violence. If you have identified one or more of these, or other recognized indicators of violence in the workplace, then you should perform further evaluation.

Prevention Strategies for Type I Events

To many people, Type I workplace violence appears to be part of society's "crime" problem, and not a workplace safety and health problem at all. Under this view, the workplace is an "innocent bystander," and the solution to the problem involves societal changes, not occupational safety and health principles.

The ultimate solution to Type I events may indeed involve societal changes, but until such changes occur it is still the employer's legal responsibility under California law to provide a safe and healthful place of employment for their employees. See California Labor Code §6400.

Employers with employees who are known to be at risk for Type I events are required to address workplace security hazards to satisfy the regulatory requirement of establishing, implementing and maintaining an effective Injury and Illness Prevention (IIP) Program. See Title 8, California Code of Regulations (CCR), §3203.

The first step in establishing and implementing an effective workplace security component of a IIP Program is strong management commitment to violence prevention.

Employers at risk for Type I (as well as Types II and III) events must include as a part of their establishment's IIP Program:

A system for ensuring that employees comply with safe and healthy work practices, including ensuring that all employees, including supervisors and managers, comply with work practices designed to make the workplace more secure and do not engage in threats or physical actions which create a security hazard to other employees, supervisors or managers in the workplace, ----- 3203(a)(2).

A system for communicating with employees about workplace security hazards, including a means that employees can use to inform the employer of security hazards at the worksite without fear of reprisal, ----- 3203(a)(3).

Procedures for identifying workplace security hazards including scheduled periodic inspections to identify unsafe conditions and work practices whenever the employer is made aware of a new or a previously unrecognized hazard, ----- 3203(a)(4)(C).

Procedures for investigating occupational injury or illness arising from a workplace assault or threat of assault, ----- 3203(a)(5).

Procedures for correcting unsafe conditions, work practices and work procedures, including workplace security hazards, and with attention to procedures for protecting employees from physical retaliation for reporting threats, ----- 3203(a)(6).

Training and instruction about how to recognize workplace security hazards, measures to prevent workplace assaults and what to do when an assault occurs, including emergency action and post-emergency procedures, ----- 3203(a)(7).

The cornerstone of an effective workplace security plan is appropriate training of all employees, supervisors and managers. Employers with employees at risk for workplace violence must educate them about the risk factors associated with the various types of workplace violence and provide appropriate training in crime awareness, assault and rape prevention and defusing hostile situations. Also, employers must instruct their employees about what steps to take during an emergency incident. Employers with employees who are known to be at risk of late night retail workplace violence must implement effective work practices and appropriate physical security measures. See, for example, the Late Night Retail Violence Prevention Checklist (Appendix I).

Effective security management to prevent all three types of workplace violence events also includes post-event measures such as emergency medical care and debriefing employees about the incident.

After a workplace assault occurs, employers should provide post-event trauma counseling to those who desire such intervention in order to reduce the short and long-term physical and emotional effects of the incident.

Employers at risk for Type I events are encouraged to use as a resource guide Cal/OSHA's Model Injury and Illness Prevention Program for Workplace Security, a copy of which is available from any Cal/OSHA Consultation Area Office (see CONSULTATIVE ASSISTANCE FOR EMPLOYERS).

Prevention Strategies for Type II Events

An increasing number of fatal, nonfatal assaults and threats involve an employee who is providing a service to a client, patient, customer, passenger or other type of service recipient.

Employers who provide service to recipients, or service "objects," known or suspected to have a history of violence must also integrate an effective workplace security component into their IIP Program.

An important component of a workplace security program for employers at risk for Type II events is supervisor and employee training in how to effectively defuse hostile situations involving their clients, patients, customers, passengers and members of the general public to whom they must provide services.

Employers concerned with Type II events need to be aware that the control of physical access through workplace design is also an important preventive measure. This can include controlling access into and out of the workplace and freedom of movement within the workplace, in addition to placing barriers between clients and service providers. Escape routes can also be a critical component of workplace design. In certain situations, the installation of alarm systems or "panic buttons" may be an appropriate back-up measure. Establishing a "buddy" system to be used in specified emergency situations is often advisable as well. The presence of security personnel should also be considered where appropriate. Employers at risk for Type II workplace violence events are also encouraged to use as a resource guide Cal/OSHA's Model Injury and Illness Prevention Program for Workplace Security, a copy of which is available from any Cal/OSHA Consultation Service Area Office (see CONSULTATIVE ASSISTANCE FOR EMPLOYERS).

Employers with health care and community service employees who are at risk of workplace assault are encouraged to utilize Cal/OSHA's Guidelines for Security and Safety of Health Care and Community Service Workers to establish and implement an effective workplace security component in their IIP Program. Employers who want a copy of the Guidelines for Security and Safety of Health Care and Community Service Workers should contact their nearest Consultation Service Area Office (see CONSULTATIVE ASSISTANCE FOR EMPLOYERS).

Employers who operate hospitals should also be aware that by 1 July 1995, California law now requires all hospitals licensed pursuant to subdivisions (a), (b), and (f) of California Health and Safety Code -----
- 1250 must (1) conduct a security and safety assessment; (2) using the assessment, develop a security plan with measures to protect personnel, patients, and visitors from aggressive or violent behavior; (3) track incidents of aggressive or violent behavior; and (4) provide to employees regularly assigned to the emergency department security education and training on a continuing basis. See California Health and Safety Code ----- 1257.7 and 1257.8.

Prevention Strategies for Type III Events

In a Type III event, the assailant has an employment-related involvement with the workplace. Usually, a Type III event involves a threat of violence, or a physical act of violence resulting in fatal or nonfatal injury, to an employee of the affected workplace by a current/former employee, supervisor or manager, or by some other person who has a dispute with an employee of the affected workplace, e.g., a current/former spouse or lover, relative, friend or acquaintance.

Employers who have employees with a history of assaults or who have exhibited belligerent, intimidating or threatening behavior in the workplace need to establish and implement procedures to respond to workplace security hazards when they are present and to provide training as necessary to their employees, supervisors and managers in order to satisfy the regulatory requirement of establishing, implementing and maintaining an effective IIP Program.

Since Type III events are more closely tied to employer-employee relations than are Type I or II events, an employer's considerate and respectful management of his or her employees represents an effective strategy for preventing Type III events. Some workplace violence researchers have pointed out that employer actions which are perceived by an employee to place his or her continuing employment status in jeopardy can be triggering events for a workplace violence event, e.g., layoffs or reduction-in-force actions and disciplinary actions such as suspensions and terminations. Thus, where actions such as these are contemplated, they should be carried out in a manner which is designed to minimize the potential for related Type III events.

Some mental health professionals believe that belligerent, intimidating or threatening behavior by an employee or supervisor is an early warning sign of an individual's propensity to commit a physical assault in the future, and that monitoring and appropriately responding to such behavior is a necessary part of effective prevention.

Many management consultants who advise employers about workplace violence stress that to effectively prevent Type III events from occurring, employers need to establish a clear anti-violence management policy, apply the policy consistently and fairly to all employees, including supervisors and managers, and provide appropriate supervisory and employee training in workplace violence prevention.

Employers at risk for Type III workplace violence events are also encouraged to use as a resource guide Cal/OSHA's Model Injury and Illness Prevention Program for Workplace Security, a copy of which is available from any Cal/OSHA Consultation Service Area Office (see CONSULTATIVE ASSISTANCE FOR EMPLOYERS).

Lastly, an important subset of Type III workplace violence events affect women disproportionately. Domestic violence is now spilling over into the workplace and employers need to take appropriate precautions to protect at-risk employees. For instance, when an employee reports threats from an individual with whom he or she has (or had) a personal relationship, employers should take appropriate precautions to ensure the safety of the threatened employee, as well as other employees who are in the zone of danger and who may be harmed if a violent incident occurs in the workplace.

One option, recently provided by law to employers in 1994, is to seek a temporary restraining order (TRO) and an injunction on behalf of the affected employee. Any employer may seek a TRO/injunction on behalf of an employee when he or she has suffered unlawful violence (assault, battery or stalking as prohibited in California Penal Code ----- 646.9) or a credible threat of violence reasonably likely to be carried out in the workplace. See California Civil Procedure Code ----- 527.8.

RECORDING AND REPORTING WORKPLACE VIOLENCE

Pursuant to 8 CCR ----- 14300 through 14400, many categories of employers are required to record on their OSHA 200 Log all fatalities and illnesses and specified injuries which occur as a result of workplace violence.

Those injuries which are recordable are those which result in the following:

Loss of consciousness;

Restriction of work or motion;

Transfer to another job or termination of employment; or

Medical treatment beyond first aid.

Workplace violence includes assaults which take place on the employer's premises and at other locations where employees are engaged in work-related activities or are present as a condition of employment.

Employers may be reluctant to record workplace homicides, and some nonfatal assaults, because they often represent criminal law violations. However, the employer's recording of an injury or illness does not necessarily imply that the employer or employee was at fault, or that the injury or illness is compensable under workers' compensation or other systems, or that a violation of a Title 8 Safety Order or, more importantly, a Penal Code section, has occurred.

In addition to having to enter the case on the OSHA 200 Log, when an employer receives information that a recordable case has occurred, the employer is required to prepare a supplementary record for that case. The California Employer's Report of Occupational Injury or Illness (Form 5020) is usually used for the supplementary record, although an equivalent form may be used. The employer is required to retain the supplementary record at the establishment where the injured or ill worker is employed.

In addition, employers are required to file an Employer's Report of Occupational Injury or Illness for every occupational injury or illness with the employer's workers' compensation insurer or with the Division of Labor Statistics and Research (DLSR), if the employer is self-insured.

In the area of workplace violence, requirements pertaining to recordability on the OSHA 200 Log are broader than, and must be distinguished from, requirements pertaining to reportability of events to Cal/OSHA. See California Labor Code ----- 6409.1.

Even though employers are required to record fatal and nonfatal injuries and illness which are caused by workplace violence, and which meet the recordability requirements discussed above, the requirement for an employer to report the same fatality, injury or illness to Cal/OSHA is more limited by statute.

According to Labor Code ----- 6409.1(b),

"In every case involving a serious injury or illness, or death, in addition to the report required by subdivision (a), a report shall be made immediately by the employer to the Division of Occupational Safety and Health by telephone or telegraph."

The term "serious injury or illness" is defined in Labor Code ----- 6302(h) as

"Any injury or illness occurring in a place of employment... but does not include any injury, illness or death caused by the commission of a Penal Code violation..."

Thus, even though a workplace assault which results in an employee's death, or in specified types of injuries, is recordable on the OSHA Log 200 and reportable to the insurer or to DLSR, it may not be reportable to Cal/OSHA if "it is caused by the commission of a Penal Code violation."

Many employers do report workplace deaths and serious injuries to Cal/OSHA which may, after the facts are sorted out, turn out to be "caused by the commission of a Penal Code violation."

Cal/OSHA actively encourages employers to report all deaths, serious injuries or illnesses which result from a workplace assault or other type of violent act to the nearest Cal/OSHA District Office so that we

can acquire a fuller understanding of the scope and nature of workplace violence by conducting an investigation of the circumstances surrounding the event.

HANDLING COMPLAINTS ALLEGING WORKPLACE SECURITY HAZARDS

All complaints alleging a workplace security hazard shall be evaluated by the Cal/OSHA District Manager receiving the complaint in the same manner as any other complaint according to the criteria set forth in Cal/OSHA's Policy and Procedure (P&P) Manual, Section C-7 (Complaint Evaluation and Documentation). If a complaint alleges a workplace security hazard which has a reasonable basis in fact, and does not represent willful harassment of the employer, the complaint is valid and shall be classified and handled as are other valid complaints. A complaint is valid even if there is no standard which specifically addresses the hazard alleged.

Conducting a worksite inspection to evaluate potential security hazards is a relatively new activity for Cal/OSHA. However, based on Cal/OSHA's compliance experience to date, such inspections can be effectively accomplished by following the inspection procedures found in P&P C-1 (Inspection Report) and C-1A (Inspection Procedures).

During a workplace security evaluation, Cal/OSHA compliance personnel shall, at a minimum, determine the answers to the following six questions:

Is the inspected establishment one which is considered to be at significant risk of a Type I, II or III workplace violence event?

What are the physical characteristics and the work practices of the establishment that affect the security of the employees who work in the establishment?

Have assaults occurred in the establishment in the past? If so, how often have these assaults occurred and what was their severity?

What measures were taken by the employer to investigate the cause(s) of assault(s) and what corrective measures were taken by the employer to prevent other assaults?

What, if any, are the specific workplace security issues the employer's IIP Program should address?

If the employer is required to address workplace security issues through the IIP Program, how effective is the employer's IIP Program in identifying and correcting workplace security hazards and in investigating workplace assaults? Does the IIP Program result in effective communication, hazard assessment, hazard correction and supervisory and employee training.

Proper documentation of the findings from each workplace security complaint inspection is important if Cal/OSHA is to learn by its experience in this new area of occupational safety and health. Proper documentation and review of inspection findings will add to Cal/OSHA's fund of knowledge about workplace security issues. An internal Cal/OSHA Workplace Security Task Force, composed of representatives of Regions I through IV, will periodically review the results of all workplace security complaint inspections.

Therefore, District Managers should ensure that all compliance personnel who conduct workplace security inspections document their inspection findings and the evidentiary foundation for any proposed citations or Special Orders issued as a result of their inspections.

Any enforcement action arising from a workplace security hazard inspection shall be thoroughly reviewed in all cases by the District Manager and by the Regional Manager. Until further notice, all proposed citations arising from complaint investigations shall be forwarded to the Chief's Office for

review by the Legal Unit prior to being issued to the employer. In addition, District and Regional Managers shall evaluate any problems encountered by compliance personnel during the performance of workplace security complaint inspections.

When compliance personnel observe a condition or work practice which poses a workplace security hazard to employees, appropriate sections of 8 CCR §3203(a) shall be cited. Compliance personnel shall keep in mind that the relevant subsections of 8 CCR ----- 3203(a)--(a)(3) through (a)(7)--are directed to specific features that the employer's IIP Program must have, each of which must be effective to meet the intent of the requirement. If it is alleged that an employer has failed to comply with section 3203 as it applies to workplace security, the allegation shall clearly state which subsection of 3203(a) was not met and how it was not met. It is never sufficient to simply allege that an employer's IIP Program does not address workplace security or does not adequately address it. The manner in which the Program falls short must be described specifically so that the employer can ascertain what is deficient and how to correct the problem.

When a workplace security hazard falls outside the scope of ----- 3203, e.g., specific corrective measures are needed to eliminate a hazard, compliance personnel shall consider a Special Order. See P&P Section C-3.

INVESTIGATING ASSAULTS INVOLVING DEATH OR SERIOUS INJURY

Cal/OSHA is required by California Labor Code ----- 6313(a)

"To investigate all industrial accidents which are fatal to one or more employees or which result in a serious injury or illness or a serious exposure, unless the Division determines an investigation is unnecessary, in which case the Division shall summarize the facts indicating that the accident need not be investigated and the means by which the facts were determined."

Because the Labor Code ----- 6302(h) excludes "any injury or illness or death caused by the commission of a Penal Code violation" from the definition of serious injury or illness, Cal/OSHA has no mandatory duty to respond to such accidents. However, Cal/OSHA does have the authority to investigate any workplace accident on a discretionary basis, as provided by Labor Code ----- 6313(b): "The division may investigate the causes of any other industrial accident or occupational illness which occurs within the state in any employment or place of employment... and shall issue any orders necessary to eliminate the causes and prevent reoccurrence."

In order to learn more about how to prevent the occurrence of homicides and other serious injuries arising from workplace assaults, Cal/OSHA will exercise the statutory discretion granted to it under Labor Code ----- 6313(b) to investigate such accidents.

On 1 August 1994, Cal/OSHA initiated a twelve-month Workplace Security Accident Investigation Pilot Project which has now been extended six months and will now end on 31 December 1995.

Investigations shall be initiated by a report of a workplace homicide or other serious incident from employers, employees, labor unions representatives, law enforcement agencies, the print or electronic media, or from a member of the general public.

Each District Manager shall select one to two compliance personnel from his or her District Office to participate in the Workplace Security Accident Investigation Project. Medical Unit and Bureau of Investigation personnel will be available to provide information and expertise to compliance personnel as appropriate.

Compliance personnel who conduct investigations of workplace homicides or other serious violence-related incidents shall follow the accident investigation procedures set forth in P&P C-170 & 170A (Accident Investigation). Proper documentation of the findings from each accident investigation is important if Cal/OSHA is to learn by its experience in this new area of workplace safety. Proper documentation and review of investigation findings will add to Cal/OSHA's fund of knowledge about workplace security issues. The Cal/OSHA Workplace Security Task Force will periodically review the results of workplace security accident investigations.

During the performance of an investigation at a workplace at which local police agencies are also conducting an investigation, compliance personnel shall work cooperatively with all police personnel investigating the same event. When feasible, compliance personnel shall also supplement their own accident investigation report by obtaining a copy of the police investigator's report.

Cal/OSHA District Managers should ensure that compliance personnel who conduct accident investigations following the occurrence of a workplace homicide or other serious incident thoroughly document their findings and the evidentiary foundation for any proposed citations or Special Orders to be issued as a result of the investigation.

Any enforcement action arising from a workplace security investigation shall be thoroughly reviewed in all cases by the District Manager and by the Regional Manager. Until further notice, all proposed citations shall be forwarded to the Chief's Office for review by the Legal Unit prior to being issued. In addition, District and Regional Managers shall evaluate any problems encountered by compliance personnel during the performance of a workplace security accident investigation.

When compliance personnel observe a condition or work practice which poses a workplace security hazard to employees or determine that it was related to the occurrence of the accident, compliance personnel shall cite appropriate sections of 8 CCR §3203(a). Compliance personnel shall keep in mind that the relevant subsections of 8 CCR 3203(a)--(a)(3) through (a)(7)-- are directed to specific features that the employer's IIP Program must have, each of which must be effective to meet the intent of the requirement. If it is to be alleged that an employer has failed to comply with section 3203 as it applies to workplace security, the allegation shall clearly state which subsection of 3203(a) was not met and how it was not met. It is never sufficient to simply allege that an employer's IIP Program does not address workplace security or does not adequately address it. The manner in which the Program falls short must be described specifically so that the employer can ascertain what is deficient and how to correct the problem.

When a workplace security hazard falls outside the scope of ----- 3203, e.g., specific corrective measures are needed to eliminate a hazard, compliance personnel shall consider a Special Order. See P&P Section C-3.

CONSULTATIVE ASSISTANCE FOR EMPLOYERS

Employers who need assistance in developing workplace security hazard assessment, assault investigation and hazard correction procedures for inclusion into their existing IIP Program, or need help in providing workplace security training to their employees, should contact the Cal/OSHA Consultation Service. Cal/OSHA will target its consultative services in the area of workplace security to high-risk occupations/workplaces where existing security management programs are minimal or nonexistent and to establishments where limited internal resources are available to address workplace security hazards.

The Cal/OSHA Consultation Service offers assistance to employers free of charge about any occupational safety and health issue, including workplace security. The Consultation Service operates seven Area Offices located throughout the state offering telephonic consultation or on-site consultation services. In addition, the Consultation Service has a video library of over 300 titles, publishes various informative pamphlets about workplace safety and health topics and has available Model Programs which can assist employers in developing their IIP Programs.

Employers who need assistance in addressing workplace security hazards are invited to contact the nearest Consultation Service Area Office, or call 1(800) 963-9424, or you can email us at InfoCons@dir.ca.gov

As mentioned above, the Cal/OSHA Consultation Service has developed a Model Injury and Illness Prevention Program for Workplace Security which is available at any Consultation Area Office.

IN THE FUTURE

In the occupational safety and health community, we have for many years educated employers about how to provide a safe and healthful workplace for their employees. Now, the time has come for us to educate employers about how to provide a secure one, too.

Even though many of the causes of workplace violence have their origin outside the workplace, and even though there are gaps in our fund of knowledge about how to prevent the occurrence of some types of workplace assaults, enough is currently known about the problem for us to make a start.

As the statistics in these Guidelines indicate, workplace violence has become a serious occupational health problem whose solution will require all of our efforts. The problem cannot be solved by government alone.

Cal/OSHA invites employers, labor unions, employees, occupational health and safety professionals, the public health community, other government agencies and security professionals to continue to work with us in developing and promoting strategies to prevent workplace violence.

APPENDIX I--LATE NIGHT RETAIL VIOLENCE PREVENTION CHECKLIST

Pre-Event Measures

Make your store unattractive to robbers by:

Removing clutter, obstructions and signs from the windows so that an unobstructed view of the store counter and/or cash register exists.

Keeping the store and parking lot as brightly lit as local law allows.

Keep an eye on what is going on outside the store and report any suspicious persons or activities to the police.

When there are no customers in the store, keep yourself busy with other tasks away from the cash register.

Post emergency police and fire department numbers and the store's address by the phone.

Mount mirrors on the ceiling to help you keep an eye on hidden corners of the store. Consider surveillance cameras to record what goes on in the store and to act as a deterrent.

Post signs which are easy to spot from the outside of the store that inform customers that you have a limited amount of cash on hand.

Limit accessible cash to a small amount and keep only small bills in the cash register.

Use a time access safe for larger bills and deposit them as they are received.

Use only one register after dark and leave unused registers open with empty cash drawers tilted up for all to see.

Let your customers know that you only keep a small amount of cash on hand.

Event Measures

If you are robbed at gunpoint, stay calm and speak to the robber in a cooperative tone. Do not argue or fight with the robber and offer no resistance whatsoever. Hand over the money.

Never ever pull a weapon during the event--it will only increase your chances of getting hurt.

Always move slowly and explain each move to the robber before you make them.

Post-Event Measures

Make no attempt to follow or chase the robber.

Stay where you are until you are certain the robber has left the immediate area, then lock the door of your store and call the police immediately.

Do not touch anything robber has handled.

Write down everything you remember about the robber and the robbery while you wait for the police to arrive.

Do not open the door of the store until the police arrive.

APPENDIX II--WORKPLACE SECURITY PROFILE FOR TYPES I AND II

Date: Inspection No.

Employer Name: Address:

Nature of Business: Hours of Operation:

Describe the physical layout of the establishment. Indicate its location to other businesses or residences in the area and access to the street.

Number/Gender of employees on-site between 10 p.m. and 5 a.m.

Describe nature and frequency of client/customer/patient/passenger/other contact:

Are cash transactions conducted with the public during working hours? If yes, how much cash is kept in the cash register or in another place accessible to a robber?

Is there a safe or lock-box on the premises into which cash is deposited?

What is the security history of the establishment and environs?

What physical security measures are present?

What work practices has the employer implemented to increase security?

Has the employer provided security training to employees? If so, has the training been effective?



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