

**August 16 and 18, 2017
Teamsters National Black Caucus (TNBC)
Vancouver, Canada**



DEALING WITH WORKPLACE VIOLENCE

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What We Do



- ✓ **Technical assistance and information**
- ✓ **Training and education**
- ✓ **Legislative and regulatory activities**
- ✓ **Organizing**
- ✓ **Collective bargaining**
- ✓ **Workplace inspections and surveys**
- ✓ **Occupational Safety and Health Research**

3

Divisions and Conferences, local unions, IBT departments, and rank and file members contact us for technical support.

We provide training and education for rank and file members through our safety and health worker training program and in conjunction with the Education Department during stewards seminars.

We work closely with the Government Affairs Department and Change to Win Federation Affiliates on various legislative and rulemaking activities that involve safety and health.

We conduct workplace inspections and surveys to assess workplace hazards.

We are very involved in collective bargaining activities at varying levels for many of our national agreements

Staff members conduct independent research on various safety and health issues. We also collaborate with several research institutions on projects where we share interest

And we provide support to our Organizing Department and Strategic Research Department on an as needed basis.

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Workshop Objectives

- **Definition of Workplace Violence**
- **Four types of Workplace Violence**
- **Risk Factors for Workplace Violence**
- **Elements of a Workplace Violence Prevention Program**
 - **Federal and State Standards and Guidelines**
- **Model Contract Language**

“One in Five US Workers are Exposed to a Hostile Environment”

Survey by Rand Corporation, Harvard Medical School, and UCLA

Aug 14, 2017

- ▶ *Nearly 20% of “American workers were subjected to some form of verbal abuse, unwanted sexual attention, threats, or humiliating behavior at work in the past month or to physical violence, bullying or harassment, or sexual harassment at work in the past 12 months.”*

<https://www.rand.org/news/press/2017/08/14.html>

**Survey by Rand Corporation, Harvard Medical School, and UCLA
Aug 14, 2017**

- ▶ The American workplace is very physically and emotionally taxing for both workers and their families.
- ▶ Most Americans (two-thirds) frequently work at high speeds or under tight deadlines, and one in four perceive that they have too little time to do their job.

<https://www.rand.org/news/press/2017/08/14.html>

**UPS Shooting: 4 Workers Die and 2 Injured
Teamsters Local 2785 - SF, CA, June 23, 2017**

- *An 28-year veteran, “Lam had filed a grievance in March complaining about excessive overtime. The union official said the gunman seemed to have targeted the three drivers who were fatally wounded.”*
- *He “believed he was being bullied by co-workers” and “don’t think he had anybody he could talk to and it got worse and worse.”*
- *“Lam’s life was plagued by many problems — he had had child visitation conflicts with the mother of his child and a previous arrest for a DUI. But most importantly, it was his workplace that made his life unbearable.”*

**3 Dead in Murder-Suicide at UPS Facility
Teamsters Local Union 612, Inglenook, AL,
Sept 23, 2014**

- “A recently-fired UPS employee shot and killed two supervisors...”
- Following a lawsuit that the company and driver won, *“they put him on the ‘least best’ or ‘shit list’ waiting for the opportunity to fire him, while subjecting him to constant auditing and other forms of harassment.”*
- *“The dock area where he entered is not normally used by the public so its unclear how he gained access.”*

**Terrorists kill 14 and injure 22 at a San Bernardino
Department of Public Health Christmas Party**

Teamsters Local 1932 - San Bernardino, CA,
December 2, 2015

- ▶ Co-worker at the county health department and wife open fire on more than 70 workers, killing 3 and injuring 3 Teamster members.

“The massacre shattered forever the notion that the unthinkable cant happen in relatively quiet, off-the-beaten-path, Inland Southern California.”



Terrorism in San Bernardino Hits Home

IN THIS ISSUE

Teamsters Tell Congress: Protect Pensions

A Message from Jim Hoffa

A Banner Year in Organizing

More than 35,000 Workers Become Teamsters in 2015

FedEx Freight Mission Expands

Scores of Members, Leaders Take Part in National Leafleting Efforts

Strike Success for Coca-Cola Teamsters

Local 727 Members Strike, Ratify New Contract

Progress in Breaking Political Gridlock

Transportation Bill Result of Bipartisanship

Safe and Sound

Teamsters Save the Day at Safeway

Election Material

Election Supervisor's Report

TEAMSTER NEWS

Workers Deserve Better

Terrorism in San Bernardino Hits Home

Scholarship Fund Expands Awards

Life-Saving Treatment and \$0 Owed

In Memorium

High Tech

Teamsters Battle Corporate Greed



Local 1932 Mourns the Loss of Three Members

In the wake of the recent shooting in San Bernardino, Calif., Joint Council 42 created a support fund for the victims and families. Three members of Local 1932 were killed and six were wounded in the shooting. Those killed were San Bernardino County employees: Harry Bowman, 46, administrative unit; Michael Wetzel, 37, supervisory unit; and Aurora Godoy, 26, clerical unit.

Christine Reed, Tracie Thompson, Hilario Venoya, Valerie Weber, Jennifer Stevens, and Kevin Ortiz, all part of the Teamster family, were among the wounded.

"When the list of victims was made available to the public, we were shocked and devastated to learn that our own members had been struck down," said former Local 1932 general manager Deirdre Rodriguez. "While our thoughts and condolences go out to all the victims and their families, we have all personally felt the loss of Michael, Harry and Aurora strike home and we know that they can never be replaced. We can only move forward to help their families as well as the families of the survivors and our community as we all attempt to heal from this senseless loss of life."

Randy Cammack, President of Joint Council 42 in Pomona, affirmed that the Teamsters would rally to support those families in need. "This is a tragic loss for the families of the victims and for our union family. Our Teamster brothers and sisters and their families need our support and we are here to help them."

Within a day of the event, a support fund was created to assist the families of victims. Every contribution that is made is appreciated.

Joint Council 42 is the parent body to 22 local unions, including Teamsters Local 1932. Local 1932 in San Bernardino represents more than 11,000 San Bernardino County public employees working at hospitals, in public works, health services departments, correctional facilities and in dozens of other public positions throughout the county.

San Bernardino Support Fund

Corrections Officer Found Strangled

Teamsters Local 117 - Seattle, Washington, Jan 30, 2011

- *“Corrections officer Jayme Biendl had complained repeatedly to supervisors about working alone in the chapel at the Monroe Correctional Complex;*
- *“Security cameras monitor parts of the chapel area and were working...but don’t cover the main part of the chapel.....”*

Shooting at California Workplace Leaves 3 Dead, 7 Wounded

Teamsters Local 287 - Cupertino, CA, Oct 6, 2011

- *“Worker who killed three and wounded six in quarry shooting was upset at being moved from day shift to night shift.”*
- *Allman was recently suspended for three weeks after he hit a power line while dumping a truck load at the quarry. “He was unhappy with the length of the suspension ...didn’t feel the punishment fit the crime.*
- *Another longtime friend...said Allman complained of racism at work, but he didn’t think it was a major issue for him.”*

according to Bill Hoyt, secretary-treasurer of Teamster's Local 287.”

Worker Kills 8, Injures 2 and Commits Suicide at Connecticut Company

Teamsters Local 1035 - Manchester, CT, Aug 3, 2010

- *Driver pulled out a handgun after a meeting in which he as shown video evidence of beer thefts and aimed at union and company officials.*

- *“He had been given the opportunity to either resign or be terminated from his position there ...and was being escorted from the building when the shooting started.”*

- *He “had complained about being racially harassed at work,” and showed his girlfriend “photos of racist graffiti and a monitored conversation involving company managers.” Thornton complained about the treatment to his superiors, but they did nothing about it.”*

Workplace Violence - OSHA

“Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.”

<https://www.osha.gov/SLTC/workplaceviolence/>

OSHA Definition of “Workplace”

- **Any location either permanent or temporary where an employee performs any work-related duty.**
- **The buildings and the surrounding areas, including parking lots, field locations, patients’ homes, and traveling to and from work assignments.**

Workplace Violence – Cal/OSHA Health Care Rule

- ▶ Any act of violence or threat of violence that occurs at the worksite. The term workplace violence shall not include lawful acts of self-defense or defense of others. Workplace violence includes the following:
 - (A) The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
 - (B) An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.

**“Threat of Violence” - Cal/OSHA
Cal/OSHA Violence Prevention in Health Care Rule**

“Threat of violence” means a statement or conduct that causes a person to fear for his or her safety because there is a reasonable possibility the person might be physically injured, and that serves no legitimate purpose.

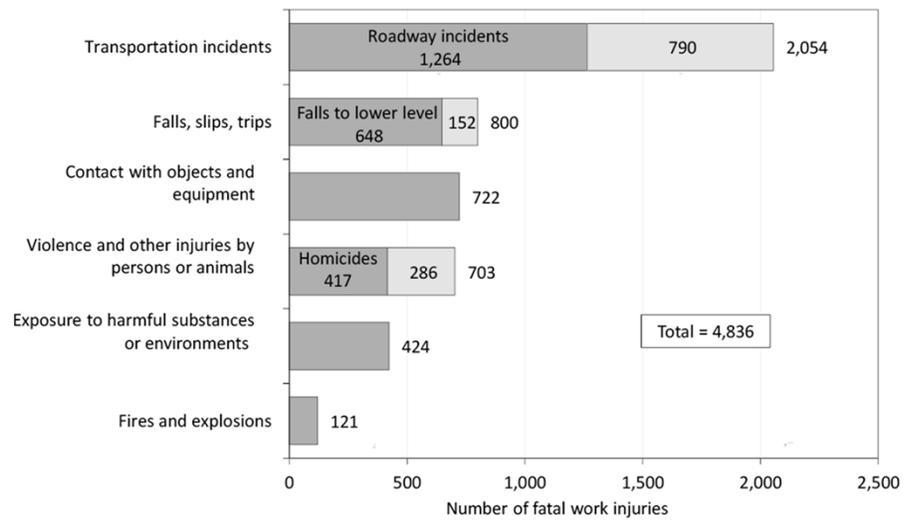
<https://www.dir.ca.gov/title8/3342.html>

**Violent Incident Log –
Cal/OSHA Violence Prevention in Health Care Rule**

- ▶ *Regardless of whether an injury occurs.*
- ▶ *Type of incident:*
- ▶ *(A) Physical attack, including biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting;*
- ▶ *(B) Attack with a weapon or object, including a gun, knife, or other object;*
- ▶ *(C) Threat of physical force or threat of the use of a weapon or other object;*
- ▶ *(D) Sexual assault or threat, including rape/attempted rape, physical display, or unwanted verbal/physical sexual contact;*
- ▶ *(E) Animal attack.*

This provision specifically requires an employer to NOT maintain certain personal identifying information in such logs, i.e. social security numbers, addresses, telephone numbers, etc.

Chart 2. Fatal occupational injuries by major event, 2015



Source: U.S. Bureau of Labor Statistics, 2016.

Violence by persons and animals was the fourth leading cause of fatal injuries in 2015.

Of 703 fatal injuries caused by violence, 417 were caused by homicide and 286 by suicide or animals (on farms, etc.).

**Fatal Occupational Injuries in the United States,
2003-2015**

2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
5,275	5,764	5,734	5,840	5,657	5,214	4,551	4,690	4,093	628	4,585	4,821	4,836

Nonfatal occupational injuries and illnesses due to intentional injury by another person for private, state government, and local government workers in the United States, 2011-2015

2011	2012	2013	2014	2015
28,690	30,170	29,660	31,380	34,750

Workplace Violence Against Government Employees, 1994-2011

- ▶ In 2011, about 1 in 5 victims of workplace homicide was a government employee.
- ▶ From 2002 to 2011, the annual average rate of simple assault in the workplace against government employees was more than three times that of private-sector employees (4.6 per 1,000).
- ▶ Serious violent crime accounted for a larger percentage of workplace violence against private-sector employees (25%) than government employees (15%).

<https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4615>

Erika Harrell, Ph.D., *Bureau of Justice Statistics*

April 11, 2013

Presents information on both nonfatal and fatal forms of violence in the workplace against government employees, based on the Bureau of Justice Statistics' National Crime Victimization Survey and the Bureau of Labor Statistics' Census of Fatal Occupational Injuries.

Workplace Homicides by Detailed Type of Homicide in the United States, 2011-2015

Event	2015
Homicides	417
Shooting by other person—intentional	354
Stabbing, cutting, slashing, piercing	28
Hitting, kicking, beating, shoving	20
Strangulation by other person	3
Bombing, arson	-
Multiple violent acts by other person	6

Primary source of homicide	2015
Person, other than injured or ill worker	417
Relative or domestic partner of injured or ill worker	33
Spouse or domestic partner of injured or ill worker	25
Immediate family member other than spouse	4
Co-worker or work associate of injured or ill worker	66
Co-worker	50
Former co-worker	7
Work associate	3
Former work associate	4
Student	1
Patient	4
Other client or customer	40
Acquaintance	15
Assailant, suspect	203
Robber	128
Inmate or detainee in custody	3
Suspect not yet apprehended	27

Impact on Workers

- ▶ Physical injuries are the 'tip of the iceberg'
- ▶ Emotional and psychological affects
 - Anxiety, depression, insomnia, loss of self-confidence, burnout and exhaustion, low morale
 - More sick leave and staff turnover

Underreporting of Injuries

- ▶ **“What’s the point?”**
 - **Organizational/safety culture and commitment**
- ▶ **“Fear factor”**
 - **Job loss, blame, peer pressure**
- ▶ **“It’s just part of the job” - @\$% happens**
- ▶ **Unclear policies and procedures.**
 - **No obvious physical injury**

OSHA Recordable Injuries and Illnesses

- ▶ **Death**
- ▶ **Loss of Consciousness**
- ▶ **Days away from work**
- ▶ **Restricted work activity or job transfer**
- ▶ **Medical treatment (beyond first aid)**
- ▶ **Significant work-related injuries diagnosed by a physician or other licensed health care professional.**

OSHA requires only certain qualifying injuries and illnesses to be recorded on the OSHA 300, 300A, and 301 forms.

Cases of violence may or may not get recorded depending on whether they qualify.

See all forms below:

<https://www.osha.gov/recordkeeping/new-osha300form1-1-04-FormsOnly.pdf>

Strategies to Help Reporting - Cal/OSHA Violence in Health Care Rule

- ▶ Talk to staff about workplace violence.
- ▶ Listen to any “incidents” or examples they will share.
- ▶ Explain that there is no retribution if a report is made.
- ▶ Make reporting easy.
- ▶ Supervisor accountability for reporting/supporting employees.
- ▶ Confidentiality of all reports.
- ▶ Recognize and try to diminish the “it’s just part of the job” perspective.

Types of Workplace Violence

- ▶ Classified based on the relationship between the perpetrator and the target of the violence.

Types of Workplace Violence

Type I: STRANGER

Type II: CUSTOMER/CLIENT

Type III: WORKER ON WORKER

Type IV: PERSONAL RELATIONSHIP

31

Type 1: Criminal Intent

Violent acts by people who enter the workplace to commit robbery or other crime – or current or former employee who enters the workplace with the intent to commit a crime.

Type 2 – violence directed towards workers by customers, patients, or any others to whom they are providing a service.

►Type 3: Co-worker

Violence against co-workers, supervisors, or managers by a current or former employee, supervisor, or manager.

Type I

- ▶ Workplace violence committed by a person who has no legitimate business at the work site, and includes violent acts by anyone who enters the workplace with the intent to commit a crime.

Type II

- ▶ Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors or other individuals accompanying a patient.

Acts of violence that may be committed by someone who either receives or is the object of a service provided by the affected workplace or victim, such as health care and social service providers, sales personnel, law enforcement or correctional personnel, municipal bus or railway drivers, or teachers or other public- or private-sector workers who provide professional, public safety, administrative or business services to members of the public.

Type III

- ▶ Workplace violence against an employee by a present or former employee, supervisor, or manager.

Type III events account for a much smaller proportion of fatal workplace injuries than Types I and II. Nevertheless, Type III fatalities often attract significant media attention and are perceived as much more common than they actually are. Workplace violence caused by an individual who has some employment-related involvement with the workplace. This type of event usually involves a threat or physical act of violence by a current or former worker, supervisor or manager, current or former spouse or lover, relative or friend, or some other person who has a dispute involving a worker.

Type IV

- ▶ Workplace violence committed in the workplace by someone who does not work there, but has or is known to have had a personal relationship with an employee.

Type III events account for a much smaller proportion of fatal workplace injuries than Types I and II. Nevertheless, Type III fatalities often attract significant media attention and are perceived as much more common than they actually are. Workplace violence caused by an individual who has some employment-related involvement with the workplace. This type of event usually involves a threat or physical act of violence by a current or former worker, supervisor or manager, current or former spouse or lover, relative or friend, or some other person who has a dispute involving a worker.

Risk Factors for Violence

- **Any condition that may increase a worker's risk for violence.**



Workplace Risk Factors

- Working alone or in small numbers
- Working late night/early morning
- Working with money
- Delivering passengers, goods or services
- Having a mobile workplace like a taxicab or police car
- Working in high-crime areas
- Guarding property or possessions
- Contact with the public

Workplace Risk Factors

- ▶ Signs of a troubled or at-risk work environment that could lead to worker-on-worker violence include:
- ▶ Chronic labor/management disputes
- ▶ Frequent grievances filed by employees
- ▶ Extraordinary number of workers' compensation claims (especially for psychological illness or mental stress)
- ▶ Understaffing or excessive demands for overtime
- ▶ High number of "stressed out" workers
- ▶ Limited flexibility in how workers perform their jobs
- ▶ Pending or rumored layoffs or "downsizing"
- ▶ Significant changes in job responsibilities or workload; and/or
- ▶ An authoritarian management style.

...Workplace Risk Factors

- Highly competitive sectors with intense workloads, e.g. food processing
- Restructuring of an organization, e.g. impending layoffs
- Ignoring warning signs from certain individuals who have a gripe with co-workers or management
- Allowing an ongoing feud between co-workers to go unaddressed by management

...Workplace Risk Factors

- Chronic verbal abuse by a supervisor towards workers
- Denial on the part of management regarding employee tension or favoritism towards one party
- Old school mentality by management that tolerates and enables supervisor abuse

“Going Brown”
www.jacobinmag.com

June 24, 2017

by Joe Allen

▶ *“Many will suffer the aftereffects of Lam’s rage killings for the rest of their lives. While there is still much to learn about what happened in San Francisco, there is one thing we know for sure: UPS will not change many of its policies – impossible productivity demands, excessive overtime, the constant micromanagement and institutional harassment of drivers – that likely sparked the killings.”*

Article on UPS following the violent incident of June 23, 2017.

<https://www.jacobinmag.com/2017/06/ups-shooting-workplace-violence-neoliberalism-teamsters>

Nationwide Study Involving 317 UPS Drivers (1997)

- *“The drivers complained of a punitive attitude from front-line supervisors, daily supervisory pressure to work more hours and through lunch, stressful supervisory pressure in the trucks on their routes, and pressure on replacement drivers to outperform those on sick leave or vacation. They reported conflicting expectations emanating from differing supervisors and a disciplinary system in which they were ‘judged guilty, and sentenced before trial.’ Finally the drivers reported a stressful social environment at work fostered by a perceived lack of social support from supervisory personnel.”*
- *“And UPS is certainly not the only corporation where intense pressure and arbitrary discipline lead to violence.”*

“Stress among package truck drivers”

American Journal of Industrial Medicine, February 1997

[http://onlinelibrary.wiley.com/doi/10.1002/\(SICI\)1097-0274\(199702\)31:2%3C202::AID-AJIM10%3E3.0.CO;2-5/abstract](http://onlinelibrary.wiley.com/doi/10.1002/(SICI)1097-0274(199702)31:2%3C202::AID-AJIM10%3E3.0.CO;2-5/abstract)

New UPS Contract Language

- Article 37 (2013-2018)

- **“The employer shall not in any way intimidate, harass, coerce, or overly supervise any employee in the performance of his or her duties.”**
- **“The employer will treat employees with dignity and respect at all times...”**
- **“The employer shall not retaliate against employees for exercising rights under this Agreement.”**

Personal Risk Factors

Some people commit violence because of revenge, robbery or ideology – with or without a component of mental illness. While there is no way to predict an attack, you can be aware of behaviors in coworkers that might signal future violence:

- ▶ Excessive use of alcohol or drugs
- ▶ Unexplained absenteeism, change in behavior or decline in job performance
- ▶ Violation of company policies
- ▶ Depression, withdrawal or suicidal comments
- ▶ Resistance to changes at work or persistent complaining about unfair treatment
- ▶ Emotional responses to criticism, mood swings
- ▶ Paranoia

Federal and State Standards and Guidelines on Workplace Violence

**OSHA General Duty Clause -
Section 5 (a) (1) of the OSHAct**

Employers are required to provide a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious harm.”

Conditions for OSHA General Duty Clause

- ▶ There must be a hazard
- ▶ The hazard must be recognized
- ▶ The hazard causes or is likely to cause serious harm or death
- ▶ The hazard must be correctable

OSHA Workplace Violence Citations under the General Duty Clause

- ▶ Adult health care residential facility
- ▶ Hospital
- ▶ Convenience Store

Examples of workplaces inspected and cited by OSHA.

OSHA Guidelines on Workplace Violence

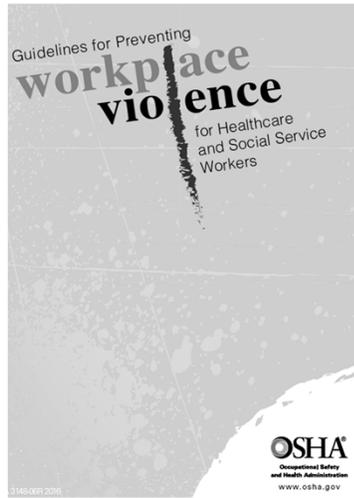
- *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers, 2016.*
- *Recommendations for Workplace Violence Prevention Programs in Late Night Retail Establishments, 2009.*

This rule is far more expansive than Federal OSHA's guidelines for the Prevention of Workplace Violence in Health Care settings.



**Recommendations for
Workplace Violence
Prevention Programs**
in Late-Night Retail Establishments

Introduction	4
Violence Prevention Programs	6
Management Commitment and Worker Involvement	6
Worksite Analysis	7
Hazard Prevention and Control	8
Safety and Health Training	10
Recordkeeping and Program Evaluations	11
Conclusion	13
Appendices	14
Appendix A: Sample Workplace Violence Factors and Control Checklists	14
Appendix B: Incident Report Forms	25
Appendix C: States with Workplace Violence Standards	31
Appendix D: Bibliography and References	32
OSHA Assistance	35
OSHA Regional Offices	37



This guidance document is advisory in nature and informational in content. It is not a standard or regulation, and it neither creates new legal obligations nor alters existing obligations created by OSHA.

Table of Contents

Overview of the Guidelines	1
Violence in the Workplace: The Impact of Workplace Violence on Healthcare and Social Service Workers	2
Risk Factors: Identifying and Assessing Workplace Violence Hazards	3
Violence Prevention Programs	5
1. Management Commitment and Worker Participation	6
2. Worksite Analysis and Hazard Identification	8
3. Hazard Prevention and Control	12
4. Safety and Health Training	24
5. Recordkeeping and Program Evaluation	27
Workplace Violence Program Checklists	30
Bibliography	40
Workers' Rights	46
OSHA Assistance, Services and Programs	46
NIOSH Health Hazard Evaluation Program	50
OSHA Regional Offices	51
How to Contact OSHA	53

OSHA Recommended Practices for Safety and Health Programs, 2016

- ✓ Management Leadership
- ✓ Worker Participation
- ✓ Hazard Identification and Assessment
- ✓ Hazard Prevention and Control
- ✓ Education and Training
- ✓ Program Evaluation and Improvement
- ✓ Communication and Coordination for Host Employers, Contractors, and Staffing Agencies

54

OSHA has recently updated the Guidelines for Safety and Health Programs it first released 30 years ago, to reflect changes in the economy, workplaces, and evolving safety and health issues. The new Recommended Practices have been well received by a wide variety of stakeholders and are designed to be used in a wide variety of small and medium-sized business settings. The Recommended Practices present a step-by-step approach to implementing a safety and health program, built around seven core elements that make up a successful program.

New York State
The Workplace Violence Prevention Act for
Public Employees (2006)

- ▶ Develop and post a written policy statement
- ▶ Conduct a risk evaluation
- ▶ Develop a workplace violence prevention program (preferably in writing, although that is only required for employers with 20 or more full-time permanent employees)
- ▶ Provide training and information for employees
- ▶ Document workplace violence incidents and maintain those records.

NYS DOL12 NYCRR Part 800.6

<https://labor.ny.gov/workerprotection/safetyhealth/workplaceviolence.shtm>

In 2006, New York State enacted legislation requiring public employers to develop and implement programs to prevent and minimize workplace violence and help ensure the safety of public employees. ... Working in high-crime areas. Duties that involve guarding valuable property or possessions.

CA Labor Code § 6400 and § 3203

- ▶ *“Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein.”*
- ▶ *Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program....The Program shall be in writing...”*

A written, effective Injury and Illness Prevention (IIP), Program is required for every California employer. Therefore, it is prudent for employers to assess and address potential violence in the workplace.

CA Injury and Illness Prevention (IIP) Model Program for Workplace Security

- ▶ Every employer should perform an **initial assessment** to identify workplace security issues.

https://www.dir.ca.gov/dosh/dosh_publications/worksecurity.html *Revised: 30 March 1995*

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.

The screenshot shows the website for the State of California Department of Industrial Relations. The header includes the CA.gov logo, the State of California seal, and the text "State of California Department of Industrial Relations". A navigation bar contains links for "Labor Law", "Cal/OSHA - Safety & Health", "Workers' Comp", "Self Insurance", and "App". Below the navigation bar, there are links for "Cal/OSHA", "Advisory Meetings", and "Workplace Violence Prevention in General Industry". The main heading is "Workplace Violence Prevention in General Industry Advisory Meetings". Underneath, it specifies "General Industry Safety Orders Chapter 4, subchapter 7, new section". A table lists a meeting on "January 12, 2017" from "10:00 am - 3:00 pm" at the "Harris State Building, 1515 Clay St., 2nd Floor, Room 1, Oakland, CA". A paragraph explains that the meeting is in response to Petitions 542 and provides contact information for Kevin Graulich, Grace Delizo, and Bob Nakamura. A section titled "Meeting Documents" lists several files: "Minutes", "Agenda", "Petition 542", "Bureau of Labor Statistics 2011-2014 report", and "Department of Justice 2011 report".

<https://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/>

In response to Petitions 542, by the American Federation of Teachers (AFT), Cal/OSHA will convene an advisory meeting on the topic of workplace violence prevention in general industry. For questions or more information about the meeting contact Kevin Graulich at 714-567-2868, Grace Delizo at 619-278-3770 or Bob Nakamura at 510-286-7005.

**§ 3342. Violence Prevention in Health Care Rule –
Cal/OSHA – April 1, 2017**

- ▶ Comprehensive health care workplace violence prevention regulations
- ▶ Broad scope – including hospitals, school nurses, retail pharmacists, home health, physician offices, mobile clinics, prisons, etc.
- ▶ Intended to serve as the foundation for workplace violence regulations that will apply in other settings, including education

<https://www.dir.ca.gov/title8/3342.html>

On April 1, 2017, a Cal/OSHA regulation took effect that requires specified health care facilities to implement workplace violence prevention plans to help protect workers who may be exposed to violence on the job.

Injury rates second only to law enforcement (OSHA 2003)

Nurses 3x more likely to be victims of violence than other professionals (Keely 2002)

More than ¾ of nurses have experienced verbal or physical abuse in past year (Hader 2008)

By April 1, 2017, all employers in California operating in the following areas will be required to comply with Section 3342.

Health care employers in California have additional obligations under the Workplace Violence Prevention in Health Care rule.

(C) Four workplace violence types:

1. “Type 1 violence” means workplace violence committed by a person who has no legitimate business at the work site, and includes violent acts by anyone who enters the workplace with the intent to commit a crime.
2. “Type 2 violence” means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors or other individuals accompanying a patient.
3. “Type 3 violence” means workplace violence against an employee by a present or former employee, supervisor, or manager.
4. “Type 4 violence” means workplace violence committed in the workplace by someone who does not work there, but has or is known to have had a personal relationship with an employee.

Cal/OSHA Violence in Health Care Rule

- Procedures for obtaining assistance of law enforcement during all work shifts;
- Procedures for accepting and responding to reports of workplace violence from employees, including anti-retaliation provisions;
- Procedures to ensure all comply with the plan;
- Procedures for communication between employer and employees about workplace violence matters;
- Procedures for training employees and allowing them to participate in developing it;

...Cal/OSHA Violence in Health Care Rule

- Assessment procedures to identify and evaluate environmental risk factors, including all incidents from previous year, and outdoor areas;
- 1) Isolated locations;
- 2) Illumination;
- 3) Physical barriers;
- 4) Effective escape routes
- 5) Accessing alarm systems;
- 6) Locations without operational alarm systems;
- 7) Unauthorized entries
- 8) Objects that may pose risk
- 9) Storage of high-value items.

Correcting Workplace Violence Hazards - Cal/OSHA Violence in Health Care Rule

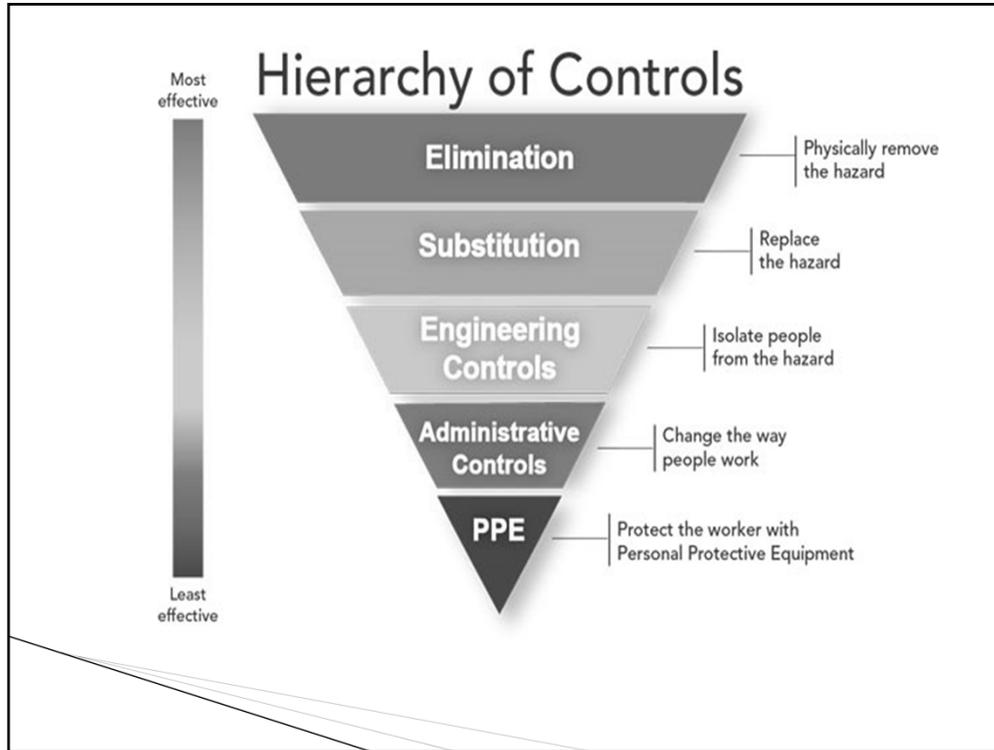
- **Engineering and work practice controls** shall be used to eliminate or minimize employee exposure to the identified hazards to the extent feasible. The employer shall take measures to protect employees from imminent hazards immediately, and shall take measures to protect employees from identified serious hazards within seven days of the discovery of the hazard, where there is a realistic possibility that death or serious physical harm could result from the hazard.

What is not answered is whether compliance with state regulations related to staffing equates to sufficient staffing levels or what metric would be considered adequate. Additionally, there is a requirement for security personnel to be specifically present to maintain order and to respond to workplace violence. What is not clarified is whether these security personnel will be expected to respond to patients who are exhibiting violence or just non-patient violence.

Correcting Workplace Violence Hazards - Cal/OSHA Violence in Health Care Rule

- Ensuring sufficient numbers of staff
- Providing line of sight or other immediate communication in all areas
- Configuring facility spaces for employee access to doors and alarm systems
- Removing, fastening, or controlling furnishings and other objects that may be used as improvised weapons
- Creating a security plan to prevent the transport of unauthorized firearms and other weapons into the facility
- Installing, implementing, and maintaining the use of an alarm system or other effective means
- Creating an effective means by which employees can be alerted to the presence, location, and nature of a security threat
- Establishing an effective response plan for actual or potential workplace violence emergencies that includes obtaining help from facility security or law enforcement agencies.

What is not answered is whether compliance with state regulations related to staffing equates to sufficient staffing levels or what metric would be considered adequate. Additionally, there is a requirement for security personnel to be specifically present to maintain order and to respond to workplace violence. What is not clarified is whether these security personnel will be expected to respond to patients who are exhibiting violence or just non-patient violence.



Hierarchy of hazard controls is a system used in industry to minimize or eliminate exposure to hazards. It is a widely accepted system promoted by numerous safety organizations. This concept is taught to managers in industry, to be promoted as standard practice in the workplace.

Engineering Controls –

Cal/OSHA Violence in Health Care Rule

“Engineering controls” means an aspect of the built space or a device that removes a hazard from the workplace or creates a barrier between the worker and the hazard. For purposes of reducing workplace violence hazards, engineering controls include, as applicable, but are not limited to: electronic access controls to employee occupied areas; weapon detectors (installed or handheld); enclosed workstations with shatter-resistant glass; deep service counters; separate rooms or areas for high risk patients; locks on doors; furniture affixed to the floor; opaque glass in patient rooms (protects privacy, but allows the health care provider to see where the patient is before entering the room); closed-circuit television monitoring and video recording; sight-aids; and personal alarm devices.

Engineering Controls

- ▶ Alarm systems and other security devices
- ▶ Metal detectors
- ▶ Closed-circuit video recording for high-risk areas
- ▶ Curved mirrors at hallway intersections.
- ▶ Bright, effective lighting – indoors and outdoors.
- ▶ Safe rooms for staff use during emergencies
- ▶ Enclose work stations, install deep service counters or bullet-resistant glass in reception area, triage, admitting

Decreased rates of WPV with cell phones and personal alarms (Gerberich 2005)

Comprehensive WPV programs are feasible and have an impact (Lipscomb 2006)

Security personnel can reduce workplace assaults (Trinkoff 2008)

Decreased assault rates in ERs and psychiatric units after 1995 California Hospital Safety and Security Act (Peek-Asa 2009, Casteel 2009)

Work Practice Controls –

Cal/OSHA Violence in Health Care Rule

- ▶ “Work practice controls” means procedures, rules and staffing which are used to effectively reduce workplace violence hazards. Work practice controls include, as applicable, but are not limited to: appropriate staffing levels; provision of dedicated safety personnel (i.e. security guards); employee training on workplace violence prevention methods; and employee training on procedures to follow in the event of a workplace violence incident.

Staffing levels inversely proportional to incidence of violence (Bowers 2007)

Improved quality indicators with greater nursing ratios (DeLacy 2005)

Work Practice Controls

- ▶ State clearly to patients/families, clients, and employees that violence will not be tolerated or permitted.
- ▶ Establish liaison with local police and state prosecutors.
- ▶ Require employees/supervisors to report all assaults and threats.
- ▶ Set up trained response teams to respond to emergencies.

Program Review - Cal/OSHA Violence in Health Care Rule

- ▶ Staffing
- ▶ Security systems
- ▶ Job design, equipment, facilities
- ▶ Security risks in certain locations
- ▶ New or modified tasks and procedures
- ▶ Newly recognized workplace violence hazards
- ▶ Plan deficiencies

Training – Cal/OSHA Violence in Health Care Rule

1. hazard identification and evaluation procedures, general and personal safety, how the employee may communicate concerns about workplace violence without fear of reprisal, how the employer will address workplace violence incidents, and how the employee can participate in reviewing and revising the Plan;
2. How to recognize the potential for violence, factors contributing to the escalation of violence and how to counteract them, and when and how to seek assistance to prevent or respond to violence;
3. Strategies to avoid physical harm;

Procedures for active employee involvement

Appropriate training materials

Open hire or newly assigned duties

...Training

Cal/OSHA Violence in Health Care Rule

4. How to recognize alerts, alarms, or other warnings about emergency conditions such as mass casualty threats and how to use identified escape routes or locations for sheltering, as applicable;
5. The role of private security personnel, if any;
6. How to report violent incidents to law enforcement;
7. Any resources available to employees for coping with incidents of violence, including, but not limited to, critical incident stress debriefing or employee assistance programs;
8. An opportunity for interactive questions and answers with a person knowledgeable about the employer's workplace violence prevention plan.

Model Contract Language

- ▶ Management Commitment
- ▶ Staffing/Workload
- ▶ Warning Devices
- ▶ Security escorts
- ▶ Training
- ▶ Reporting
- ▶ Paid leave



Management Commitment

*The Employer is committed to employee health and safety.
Workplace violence, including threats of violence by or
against a City employee, will not be tolerated and should
be immediately reported whether or not physical injury
occurs.*

Management Commitment

In an effort to maintain a violence free workplace, the Authority will not condone, permit, or tolerate violence in the workplace, and is committed to maintaining an environment that has zero tolerance for all forms of violence including verbal or physical threats as well as all forms of intimidation such as harassment, and abusive language. Employees will report all threats, acts of violence, either physical or verbal, to a supervisor who is not the source of such action. The supervisor will inform the Director of Human Resources, who will coordinate an investigation into the allegation.

HILLSBOROUGH COUNTY AVIATION AUTHORITY-TAMPA
INTERNATIONAL AIRPORT

Management Commitment

The County strongly prohibits and will not tolerate any form of workplace violence by or against employees, volunteers, or members of the public and is committed to a work environment free from physical force or attempt to exercise physical force, and/or a statement or behavior that is reasonably interpreted as a threat of physical force in the workplace.

Parking, Escort

- *The Employer agrees to maintain reasonably secure parking facilities for all employees. . . . Security will be provided for employees who work at night and on weekends.*
- *The Company has for a long period of time followed a policy which provided a method whereby employees feeling the need for co-workers to accompany them on certain specific assignments in high crime areas might request such assistance. The Company will continue this policy.*

Environment, Staffing

In developing measures and procedures to prevent violence, priority should be given to options such as job redesign, adequate staffing levels and improving the working environment, before considering the need for personal protection or alarms.

The Employer has a responsibility to take all reasonably practical steps to protect nurses from physical assault on the job.

Warning Devices

*The employer shall provide two-way radios, alarms and/or paging systems, or other electronic warning devices or means of **summoning immediate aid** where employees ascertain a need. All equipment shall be maintained and periodically tested, and employees will receive training in the operation of the equipment.*

Staffing/Workload

*The Employer agrees that, where there is a risk of violence, an **adequate level of trained employees** must be present. The Employer recognizes that **workloads** can lead to fatigue and a diminished ability both to identify and to subsequently deal with potentially violent situations.*

Security Guards, Policies

In worksites where actual violence is a continuing problem, the Commonwealth shall provide adequate safeguards, including security guards where necessary.

At those sites where employees are continually faced with threats of physical harm and/or verbal abuse, local representatives of the Employer and the Union shall meet to develop local policies to deal with such occurrences. If no agreement can be reached, the Employer and the Union shall meet and discuss at the Agency level to develop local policies to deal with such occurrences . . .

Reporting

Workplace Violence includes, but is not limited to:

Physical acts such as punching, hitting, kicking, pushing, an action or spoken or written statement reasonably believed to be a threat of physical harm or a threat to safety or security in the workplace, bringing or threatening to bring a weapon of any kind to the workplace, throwing objects, intimidating behavior such as yelling, swearing and angry outbursts. It is the employees' responsibility to report incidents of harassment and/or workplace violence promptly to their supervisor. In cases in which an employee's supervisor is involved, the employee should report any incident to the County Administrator.

Parking, Escort

During hours of darkness, or when an employee's workstation is in a remote area, Clerical/Technical unit employees may request that campus police provide a security escort for them. An escort shall be provided upon employee's request. The escort may be a police aide, police officer, police cadet, or other District employee.

Training

The employer shall provide training to all employees at risk of assault on how to defuse potentially violent situations and verbal confrontation. Employers shall also be trained in self-protection. Training should include, but not be limited to: discussion of how to recognize warning signs and possible triggers to violence; how to resist attack and avoid escalation of the situation; how to control and defuse aggressive situations; and a full review of the employer's written policy for dealing with assault on the job.

Some unions, particularly those whose members handle money or have frequent contact with the general public, have included workplace violence language in their

contracts. Clauses may include measures to prevent violence and manage violent situations, programs to inform and train workers, and follow-up support for workers after a violent incident.

Staffing, Warning and Surveillance Devices

The employer agrees to provide an adequate level of trained staff.

Employees will not be required to work alone in potentially violent situations. . . . Where appropriate, the employer shall institute additional security measures including, but not limited to: installation of metal detectors; installation of surveillance cameras; limiting public access to the facility and specific departments or units; installation of bullet-proof glass; installation of emergency 'panic' buttons to alert security personnel.

Paid Leave

*Employees shall receive **leave with pay** for any absences which are caused by bodily injury or illness arising out of and in the course of employment and are caused by an act of violence.*

MEMORANDUM OF UNDERSTANDING

Between and For

THE CITY AND COUNTY OF SAN FRANCISCO

And

FREIGHT CHECKERS, CLERICAL EMPLOYEES & HELPERS,

Laca1856

(Supervising Registered Nurses, Unit 47)

For More Information:

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Thank you!
Questions

