

The Employer's Role in Preventing & Responding to Workplace Violence

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Section 5(a)(1) OSHA General Duty Clause

- A serious workplace violence hazard exists and the employer failed to keep its workplace free of hazards to which employees were exposed
- Industry and/or employer recognition of the hazard
- Likely to cause death or serious physical harm
- Feasible abatement methods

**NOTE: Language used in the citations should focus on the hazard and in no way stigmatize groups of persons as being prone to violent behavior*

When Does OSHA Inspect?

An inspection shall be considered where there is:

- ✓ complaint
- ✓ Referral
- ✓ Fatality
- ✓ Catastrophic event
- ✓ Programmed Inspection



Risk Factors That Indicate a Potential for Workplace Violence

- Working with unstable/volatile persons in health care/social service or criminal justice settings
- Working alone or in small groups
- Working during late night or early morning hours
- Working in high crime areas
- Guarding valuable property or possessions
- Community-based health or drug abuse clinics
- Exchanging money in financial institutions
- Delivery of passengers, goods, or services
- Mobile workplaces (i.e., taxis)

Violence Prevention Program- OSHA guidance

- Management Commitment and Employee Involvement
- Policy
- Establishment of a Safety Team
- Worksite Analysis
- Hazard Prevention and Control
- Training
- Reporting, Recordkeeping and program evaluation
- Monitoring and improvement

OSHA: Written Policy Statement

- All employees are responsible
- Employees are obligated to act appropriately
- Cover acts of physical violence, and also harassment, intimidation, and other disruptive **behavior**
- Cover incidents involving coworkers and incidents involving individuals from outside the company
- Respond appropriately to all reported incidents
- Act to stop inappropriate **behavior**
- **Include provision for contacting security/campus police/911 in response to criminal acts**

Policy example: What is missing?

DEFINITIONS:

As used in this policy, 'violence' is defined as *physical attacks*, threats (direct, conditional or veiled), *harassing behaviors*, and/or property damage.

Response

- 1) Employees who experience or witness workplace violence in actions, conduct, behaviors or communications should immediately alert his/her supervisor/manager.
- 2) If the employee is not comfortable doing so, or if the situation involves the supervisor/manager, then the employee has the option of contacting Human Resources

Hostility and Violence in the Workplace- policy definitions- example

- Physical assault and battery, attempted A&B- regardless of injury
- Threats and/or acts of intimidation communicated by any means (written, oral or electronic) that cause an employee fear for his/her own physical safety or that of a colleague or customer;
- Destruction or attempted destruction of Agency owned or leased property including, without limitation, Information Technology and electronic systems

Policy example continued

- Physically aggressive or intimidating behavior that a reasonable person would interpret as threatening, intimidating or humiliating and/or that cause a disruption of work productivity;
- The possession, transporting or use of a weapon either on the person or in a vehicle while on agency property including imitation firearms, explosives, flare guns, or materials to harm or threaten an employee, customer, or client
- The use of Agency property, services, or equipment for the purpose of threatening any individual with physical harm or an act of violence including acts of criminal harassment, sexual assault and stalking in violation of G.L c 265 , and domestic violence in violation of G.L. c. 209A

Emergency Room Triage

- Learn the signs of a heart attack vs. anxiety
- Quickly scan behavior for immediate safety issues
- For heart attack- ACTION
- Diagnostics- language in reporting



Reporting Challenges

- **Confidentiality concerns**
- **Fear of stigma**
- **Culture of organization**
- **Fear of retaliation/being fired**
- **“Nothing will ever happen”**
- **Fear of future physical harm**
- **Skeptical of institutional response**
- **Cultural barriers**

Elements of a workplace safety plan

- Engage employee in determining immediate workplace risks
- Collaborate with HR, Leadership, Security
- Maintain flexibility with goal of minimizing workplace risks
- Plans should be documented
- Plans can be updated and changed
- Plans are not a supervisory document or PIP

Inside inspections- What to look for in your program

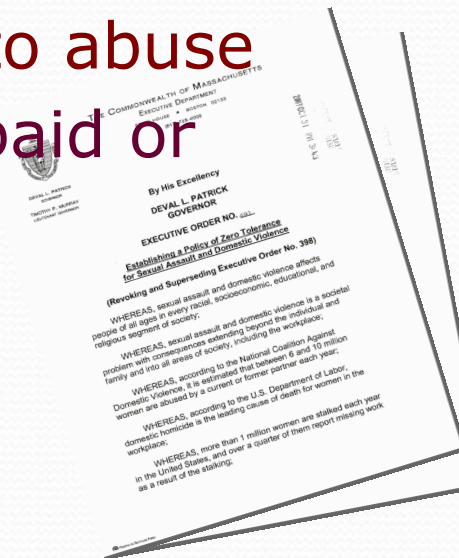
- Safety team membership to include a staff member
- Accurate reporting forms completed
- Training related to your workplace mission
- Immediate investigations into allegations of workplace violence
- Post incident de-briefings
- Referrals for impacted employees- EAP etc.

Domestic Violence: Employer's role- two common scenarios

- **Support, time off and referrals**
 - Consult with HR, Legal- sensitivity of information, EAP, Domestic violence hotline
- **Workplace security issues/209A orders**
 - Option of safety plan, notification of Security, Police, HR, key team members -discussion with victim/employee

Chapter 260- Leave

- Remedies – 15 days of leave in 12 month period
 - If employee OR family member victim of abuse
- Time used for: obtain medical attention, counseling, victim/legal services, housing, 209A protective order, child custody relating to abuse
- Employer determines whether leave is paid or unpaid



Workplace safety questions

Key Questions to Ask the Victim

- ✓ Are you concerned for your (or anyone else's) safety at work?
- ✓ Has this person ever come to the workplace, or interrupted you at work?
- ✓ Do you currently have a 209A protective order against this person? Have police been involved?
- ✓ Has this person threatened to harm you or harmed you?
- ✓ Does this person have access to weapons?
- ✓ Do you have a helpful support network outside of work?
- ✓ What is your greatest concern right now?