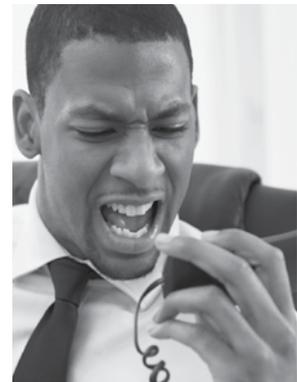


# Workplace Violence

*Awareness and Prevention for Employers and Employees*



Division of Occupational Safety and Health



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Washington State Department of  
**Labor & Industries**





# **Workplace Violence**

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*Awareness and Prevention  
for Employers and Employees*

Prepared by the Washington State  
Department of Labor & Industries  
Division of Occupational Safety and Health

## Notice



This guidebook is meant to help employers and employees recognize workplace violence, minimize and prevent it, and respond appropriately if it occurs. Included in this guidebook is a sample workplace violence prevention program that employers can adapt to their company's size and type. The sample program can be incorporated into a company's accident prevention program, used to create a separate workplace violence prevention program, or included as part of an employee handbook.

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# Overview

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Workplace violence can happen anywhere at any time. It can involve a single victim, such as the apartment manager stabbed to death in Everett in July 2010. It can involve multiple victims, as in the shooting at the Jewish Federation of Greater Seattle, when a gunman shot six workers, killing one, in July 2006.

News media accounts of these shootings, assaults, and other acts of violence at the workplace have heightened awareness of this problem.

Workers in some industries, such as health care or retail establishments, are more likely than others to experience violence on the job. For that reason, Washington State has laws that require workplace violence prevention programs in health care settings, psychiatric hospitals and late night retail establishments, like convenience stores.

You can find out more about these safety rules for workers in these industries in Appendix E.

Regardless of whether your worksite falls within these rules, however, every business should consider establishing a workplace violence prevention plan.

Such a plan does not have to be complicated, time consuming or expensive. Ask yourself, "What kind of workplace violence could happen at my work?" Then use this guide and the tips included to plan ways to reduce the possibility of violence at work.

Violence is the second leading cause of work-related death for women in the United States.

Workplace violence causes a significant number of fatalities and injuries in Washington and throughout the United States. The Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI) reports that homicides due to workplace violence are the fourth-leading cause of work-related deaths. For women, violence is the second leading cause of workplace fatalities in the United States.

Bureau of Labor Statistics (BLS) data for 2009 showed violence as the second-leading cause of workplace deaths in Washington State. Transportation accidents, being "struck by" equipment or objects and falls accounted for most other workplace fatalities. In addition, in 2009 Washington State experienced its highest number of workplace violence-related deaths in more than a decade. Of 62 work-related fatalities, 13 were on-the-job homicides and seven were suicides.

Nationally, non-fatal acts of violence in the workplace are numerous. In 2009, approximately 572,000 non-fatal violent crimes (rape/sexual assault, robbery, and aggravated and simple assault) occurred against workers, according to data from the National Crime Victimization Survey.

There is a strong association between violence in the home or community, and violence in the workplace. For example, BLS data from 1997–2009 show that 381 women killed in the workplace were murdered by a husband, male partner, or other relative or acquaintance.

Employers can take steps to make the workplace safer. It is critical that business, labor, social and health services, education, law enforcement and government undertake a collaborative approach to prevention.

## **Cost of Workplace Violence**

Workplace violence is any verbal assault, threatening behavior, or physical assault occurring in or arising from the worksite.

Shootings, assaults, and other incidents of workplace violence routinely make the news. Recent media coverage has included a 39-year-old King County taxi driver on the way to pick up a passenger who was shot in the head; a 55-year-old self-employed tool salesman who was robbed and murdered in Pierce County en-route to a delivery; a 35-year-old business owner shot and killed by her estranged husband in her Clallam County office; and a 44-year-old middle school teacher in Benton County returning a video to school late in the evening assaulted in the hallway of the school.

Workplace violence injures and kills real people and affects victims' families, friends and co-workers. While the human costs of workplace violence cannot be calculated, many of the financial impacts can be estimated. For non-fatal injuries related to assaults and violence, the BLS estimates there are an annual average of nearly 800 lost workday assault-related injuries in Washington State. Here are a few other striking facts:

- Workers' compensation data for both the State fund and self-insured employers show an average of more than 2,000 claims related to assaults and violence each year, an amount equal to 12 such claims per 10,000 full time workers.
- The National Safe Workplace Institute estimates that costs to employers in missed days of work and legal expenses exceed \$4 billion annually.
- Employers also may incur replacement and/or retraining costs; lost production costs; administrative costs and potential litigation costs. Such "indirect" costs are highly variable, but are commonly suggested to be 1.5 to 2 times the direct costs of medical treatment, wage-replacement and disability pensions.

## High-risk Industries

A review of workplace violence data reveals that some types of violence are not random, but for the most part occur predictably in certain types of workplaces or occupations. Violence prevention efforts are especially important for these “high risk” industries and occupations.

In Washington State, the industries at highest risk of workplace violence include:

- Health care
- Social services
- Security services
- Public administration
- Education
- Law enforcement
- Retail trade
- Public transportation
- Accommodation and food services

These industries are similar to those identified as high risk in the national data.

By law, all employers in Washington State must provide a workplace free from recognized hazards. At any worksite where workplace violence is determined to be a hazard, a workplace violence prevention plan would be required.

But incidents of workplace violence can happen anywhere. For this reason, all employers should take steps to prevent or reduce the risk of workplace violence.

# Types of Workplace Violence and Their Characteristics

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Workplace violence takes several forms, including verbal threats, threatening behavior or physical assaults. It can be classified as to “type” depending on the relationship of the assailant to the worker or the workplace. Their specific characteristics are described below.

## Type 1: Violence by Strangers



This is violence committed by an assailant who has no legitimate business relationship to the workplace or the worker. For example, the person enters the workplace to commit a robbery or other criminal act. In Washington State, violence by strangers accounts for most of the fatalities related to workplace violence. Workplaces at risk of violence by strangers commonly include late night retail establishments and taxi cabs.

## Type 2: Violence by Customers or Clients



This is violence committed by an assailant who either receives services from or is under the custodial supervision of the affected workplace or the victim. Assailants can be current or former customers or clients such as passengers, patients, students, inmates, criminal suspects or prisoners. The workers typically provide direct services to the public, for example, municipal bus or railway drivers, health care and social service providers, teachers and sales personnel. Law enforcement personnel are also at risk of assault from individuals over whom they exert custodial supervision. Violence by customers or clients may occur on a daily basis in certain industries; they represent the majority of non-fatal injuries related to workplace violence in Washington State.



### **Type 3: Violence by Co-workers**

This involves violence by an assailant who has some employment-related involvement with the workplace, for example, a current or former employee, supervisor or manager. Any workplace can be at risk of violence by a co-worker. In committing a threat or assault, the individual may be seeking revenge for what is perceived as unfair treatment.

Fatalities related to violence by co-workers have received much media attention, but account for only a small proportion of all workplace violence related fatalities. Strangers cause most workplace violence fatalities.



### **Type 4: Violence by Personal Relations**

This includes incidents of domestic violence at the workplace by an assailant who confronts an individual with whom he or she has or had a personal relationship outside of work. Personal relations include a current or former spouse, lover, relative, friend or acquaintance. The assailant's actions are motivated by perceived difficulties in the relationship or by psycho-social factors that are specific to the assailant.

# Violent Incidents: Case Scenarios, Potential Risk Factors and Potential Prevention Measures

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The types of violence identified in the previous section illustrate different characteristics of workplace violence and the ways violence may present itself. The significance of these four types is that each involves somewhat different risk factors and means of preventing or responding to the potential violent incident.

“A risk factor is a condition or circumstance that may increase the likelihood of violence...”

A risk factor is a condition or circumstance that may increase the likelihood of violence occurring in a particular setting. For instance, handling money in a retail service makes that workplace a more likely target for robbery, the most common kind of violence by strangers in the workplace. An attorney’s office, where all payments are received by check and money is not directly handled, would not present the same kind of target and would not be at the same degree of risk of violence due to the handling of money.

Different risk factors might predominate in the attorney’s office. An attorney might be working in the office late at night after business hours. He or she might be subject to violence from a customer or client who is dissatisfied with the outcome of litigation. In this example, several risk factors are combined, increasing the overall risk to the attorney.

Each risk factor only represents a potential for an increased likelihood of violence. No risk factor, or combination of risk factors, guarantees that violence will occur or that its incidence will increase. However, the presence of these risk factors, particularly of several in combination, increases the likelihood that violence will occur.

The following general factors, which may have the potential to increase an employee's risk for workplace violence, have been identified in various studies.

General risk factors include:

- Contact with the public.
- Exchange of money.
- Delivery of passengers, goods, or services.
- Having a mobile workplace such as a taxicab or police cruiser.
- Working with unstable or volatile persons in health care, social services, or criminal justice settings.
- Working in isolation.
- Working late at night or during early morning hours.
- Working in high-crime areas.
- Guarding valuable property or possessions.
- Working in community-based settings.

Some risk factors are more likely to pertain to one or more of the four types of violence in the workplace. The following case scenarios illustrate the four types of violence. Potential risk factors for each case (you may be able to identify others), and examples of potential prevention measures pertaining to those risk factors are listed. Keep in mind that specific prevention techniques will vary according to circumstances and resources available.

The case scenarios are designed to help you think about your company's potential risk factors. It is up to you to think through those that might affect you and your personnel. From there, you can determine how best to mitigate those risks using prevention measures designed to work within your resources and in your unique workplace.

## CASE SCENARIO **Violence by Strangers (Type 1)**

It's 1 a.m. and a man enters a grocery store. He goes to a cooler, gets a six-pack of beer and heads to the checkout stand. When the clerk rings up the sale, the man pulls out a gun and tells the clerk to open the till. As the robber starts grabbing the cash from the till, a customer enters the store. The frightened clerk sees this as an opportunity to thwart the robbery, and shoves the cash register drawer onto the robber's hand. The surprised robber fires his gun repeatedly, hitting both the clerk and the customer before fleeing the store.



### **Potential Risk Factors**

- Working with money
- Working alone
- Working late at night
- Isolated worksite
- Poor visibility into worksite
- Poor lighting outside of worksite
- High crime area

### **Potential Prevention Measures**

To identify the prevention measures needed in your organization, first conduct a hazard assessment. A comprehensive workplace violence program could include measures such as the following:

- Training (include de-escalation techniques appropriate to your industry)
- Post signs stating cash register only contains minimal cash
- Leave a clear, unobstructed view of cash register from street
- Have a drop safe, limited access safe or comparable device
- Address adequate outside lighting
- Examine and address employee isolation factors
- Provide security personnel
- Communication method to alert police/security
- Increase police patrol in the area
- Post laws against assault, stalking or other violent acts

## CASE SCENARIO

# Violence by Customers or Clients (Type 2)

Mary is a social worker in a child welfare office. Her office space is a cubicle with one entry. One night, Mary was working late after most of her co-workers had left. The mother of one of her clients walked into her cubicle unannounced. She was quite emotional, and had a history of being verbally assaultive and threatening. Mary asked her to leave and make an appointment to see her the next day. The mother said she wanted her child back immediately and picked up a pair of scissors on Mary's desk. Mary asked for the scissors back, and when the mother refused, Mary picked up the phone to dial security. While Mary was calling security, the mother stabbed Mary's hand and ripped the phone out of the socket.



## Potential Risk Factors

- Working in isolation
- Working after regular work hours
- Lack of controlled access to worksite
- Dealing with customers with past violent behavior
- Potential weapons<sup>1</sup> (such as scissors) easily visible and accessible
- Lack of a quick communication mechanism to security personnel
- Lack of alternate escape route

## Potential Prevention Measures

To identify the prevention measures needed in your organization, first conduct a hazard assessment. A comprehensive workplace violence program could include measures such as the following:

- Training (including de-escalation techniques appropriate to your industry)
- Control access to worksite (e.g., posted restricted access, locked doors)
- Examine and address employee isolation factors
- Quick communication method to alert security
- Eliminate easy access to potential weapons
- Client referral/assistance programs
- Set up worksite so employees are not trapped from exiting
- Provide security personnel
- Post laws against assault, stalking or other violent acts

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1. A weapon is any physical object that can be used to inflict injury or cause death.

## CASE SCENARIO **Violence by Co-Workers (Type 3)**

Bob supervises 14 workers at a small warehouse operated by Company X. The warehouse may be making layoffs soon; all the workers, including Bob, are concerned about their jobs. Company X management says it will make a decision within six months, but also says that productivity will have to increase substantially to keep the warehouse open. Bob starts disciplining workers he thinks are not working productively. When he meets with one worker, Doug, and informs him that he will be disciplined for poor work performance, Doug becomes angry and starts to shout at Bob. A week later, Bob suspends Doug for a week for continuing aggressive, threatening behavior. At that point, Doug pushes Bob away from him and the two men get into a fistfight.



### **Potential Risk Factors**

- High stress in the workplace (impending layoffs, for example) and outside, non-work related stress
- Lack of appropriate management protocols for disciplinary actions
- Individual with a history of violent behavior
- Lack of appropriate training for supervisors

### **Potential Prevention Measures**

To identify the prevention measures needed in your organization, first conduct a hazard assessment. A comprehensive workplace violence program could include measures such as the following:

- Training (including de-escalation techniques appropriate to your industry)
- Enforced policy on no tolerance for workplace violence
- Management strategy for layoffs
- Management policy for disciplinary actions
- Access to employee assistance program or other counseling services
- Policy prohibiting weapons
- Provide security personnel
- Post laws against assault, stalking or other violent acts

## CASE SCENARIO

### Violence by Personal Relations (Type 4)

Sue, a secretary at the local high school, went through a difficult divorce last year. Her ex-husband, Tod, did not want the divorce. Tod has called Sue regularly asking to reconcile and he has begun coming by her office to leave messages and gifts. Sue has asked him not to call or come by the school. One of her co-workers suggested that she seek a restraining order against Tod, but Sue felt she could handle it on her own. Finally, Tod leaves Sue a message that he doesn't want to live unless he can reconcile with her. Sue calls him back and urges him to see a therapist but refuses to meet or talk with him. On the anniversary of their divorce, Tod goes to the high school and waits for Sue in the lobby. When Sue approaches the lobby, he rushes toward her with a gun, shoots her, then shoots himself.



#### Potential Risk Factors

- Individual with history of violent/threatening behavior
- Lack of controlled access to the worksite
- No communication policy regarding restraining orders
- Domestic violence

#### Potential Prevention Measures

To identify the prevention measures needed in your organization, first conduct a hazard assessment. A comprehensive workplace violence program could include measures such as the following:

- Domestic violence training (including de-escalation techniques)
- Enforced policies on handling/preventing violence situations
- Restraining orders
- Control access to worksite
- Access to consultation with employer, employee assistance program or other counseling program
- Enforced policy prohibiting weapons
- Reporting procedures
- Relocating within worksite where possible
- Necessary staff notification
- Provide security personnel
- Post laws against assault, stalking or other violent acts

# Elements of a Workplace Violence Prevention Program

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As noted by many professionals working on the workplace violence issue, violent acts generally occur in predictable types of worksites or settings, are associated with identifiable risk factors, and may be eliminated or controlled through effective prevention strategies. (See Appendix A for a sample workplace violence prevention program.) Programs to prevent workplace violence, just like other workplace hazard prevention programs, often include the following key elements:

## **MANAGEMENT COMMITMENT & EMPLOYEE INVOLVEMENT**

To ensure an effective program, managers and employees should work together, perhaps through a team approach, to provide the motivation, commitment of resources, and feedback to address workplace violence issues.

## **HAZARD ASSESSMENT**

Hazard assessment involves a step-by-step, common sense look at the workplace to find existing or potential hazards for workplace violence. This can include:

- Analyzing and tracking records of violence at work.
- Examining specific violence incidents carefully.
- Surveying employees to gather their ideas and input.
- Periodic inspections of the worksite to identify risk factors that could contribute to injuries related to violence.

The hazard assessment should examine vulnerability to the four categories of violence previously described – violence by strangers, violence by customers or clients, violence by co-workers, and violence by personal relations.

## **HAZARD PREVENTION AND CONTROL**

Once existing or potential hazards are identified through the hazard assessment, then hazard prevention and control measures can be identified and implemented.

These measures may include (in order of general preference):

- Engineering controls, such as locks and alarms.
- Administrative/work practice controls, such as sign-in procedures for visitors and employee assistance programs.
- Personal protective equipment, such as bullet-proof vests for police and security personnel.
- Posting applicable laws, such as those prohibiting assaults and stalking, in visible locations may serve as a prevention measure.

- TRAINING AND INSTRUCTION** Training and instruction on workplace violence ensures that all staff are aware of potential hazards and how to protect themselves and their co-workers through established prevention and control measures.
- REPORTING PROCEDURE** A reporting procedure for violent incidents should be developed for all types of violent incidents, whether or not physical injury has occurred. Violence other than physical injury would include, for example, verbal abuse or threats of violence. This procedure should be in writing and should be easily understood by all employees. It should take into account issues of confidentiality. Employees may be reluctant to come forward otherwise and they should not fear reprisal for bringing their concerns to management's attention.
- RECORD KEEPING** Record keeping is essential to the success of a workplace violence prevention program. Good records help employers determine the severity of the problem, evaluate methods of hazard control, and identify training needs.
- EVALUATION** As part of an overall program covering workplace violence, employers should evaluate their safety and security measures. Management should share the evaluation results with all employees. Any changes in the program should be discussed at regular meetings of the safety committee, with union representatives or other employee groups.

# Responding If An Assault Occurs

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Employers should prepare a plan that outlines the steps to take if an assault occurs. What are the priorities?

Immediately after an assault occurs, an employer should focus first on the medical and psychological needs of affected employees.

Other immediate steps include:

1. Call the police and help them in their work, for example by providing access to the crime scene for their investigation, assisting them in locating witnesses, victims and others to interview.
2. Secure work areas where disturbances occurred.
3. As soon as possible, account for all your workers and others in the area and make sure they are safe.
4. Provide for site security and ensure that no work area is left short-staffed while others assist the victim or help in securing the area.
5. Quickly assess the work area if it was disturbed or damaged during an incident and determine if it is safe.
6. Talk to victims, witnesses, and other affected employees in confidence. Allow them to express their feelings and encourage them to seek treatment if appropriate.
7. Provide accurate communication to outside agencies, media and law enforcement.

Additional attention to employees' medical and psychological needs may be necessary. Employees may need the services of an employee assistance program or other counseling services. Provisions for follow-up after medical and psychological treatment, medical confidentiality, and protection from discrimination must be addressed to prevent the victims of workplace violence from suffering further loss.

## Investigation and Evaluation

After an incident occurs, a detailed investigation by the company safety and health committee or the employer is imperative. All incidents, including near misses, should be investigated as soon as possible. A delay of any kind may cause important evidence to be removed or destroyed intentionally or unintentionally.

### **Important Records to Keep**

- Log of injuries and illnesses (OSHA).
- Medical reports of worker injury; reports for each recorded assault.
- Incidents of assault and threats of violence. (See sample forms in Appendix B.)
- Information on high-risk clients with a history of past violence. (Share with employees who need to know.)
- Minutes of safety meetings.
- Records of hazard analyses and corrective actions recommended.
- Records of relevant training conducted, attendees and qualification of trainers.

The investigation should focus on determining the facts of what happened to prevent it from happening again, and not finding fault with anyone. Employers should maintain comprehensive records of the investigation. (See Appendix B, Assault Incident Report Form.)

When conducting the investigation:

- Collect facts on who, what, when, where and how the incident occurred.
- Get statements from witnesses and take photos of the damage or injuries where appropriate.
- Identify contributing causes.
- Recommend corrective action.
- Encourage appropriate follow-up.
- Consider changes in controls, procedures or policies.

After an incident occurs, it is especially important to review the workplace violence prevention program and assess its effectiveness. Identify any deficiencies and correct them.

### **Steps in the Evaluation Process**

- Create a violence reporting system.
- Regularly review your workplace violence reports and logs. (See Appendix B.)
- Ask your employees for input on safety and security problems. (See Appendix B for sample survey.)
- Track changes in engineering controls and administrative and work practices designed to prevent workplace violence.
- Analyze trends in workplace violence-related injuries relative to “baseline” rates.
- Keep up on the latest strategies to deal with violence.
- Measure improvement based on lowering the frequency and severity of workplace violence.



# Appendix A

## SAMPLE Workplace Violence Prevention Program

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*An employer may choose to create a separate workplace violence prevention program or incorporate this information into other company documents: for example, the company's accident prevention program or an employee handbook.*

### **Policy Statement** *(Effective Date of Program)*

Our establishment, *[Employer Name]* is concerned and committed to our employees' safety and health. We refuse to tolerate violence in the workplace and will make every effort to prevent violent incidents from occurring by implementing a Workplace Violence Prevention Program (WVPP). We will provide adequate authority and budgetary resources to responsible parties so that our goals and responsibilities can be met.

All managers, supervisors and employees are responsible for implementing and maintaining our WVPP. We encourage employee participation in designing and implementing our program. We require prompt and accurate reporting of all violent incidents whether or not physical injury has occurred. We will not discriminate against victims of workplace violence.

A copy of this policy statement and our WVPP is readily available to all employees and from each manager and supervisor.

Our program ensures that all employees, including supervisors and managers, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace.

All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

The management of our establishment is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.

Our program will be reviewed and updated annually.

### **Responsibility**

The Workplace Violence Prevention Program Administrator is *[Program Administrator]* and *[he/she]* has the authority and responsibility for implementing the provisions of this program for *[Establishment Name]*. All managers, supervisors and employees are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the program.

In addition, a Workplace Violence Prevention Group will be established to assess the vulnerability to workplace violence at our establishment and reach agreement on preventive actions to be taken. This group will be responsible for developing employee-training programs in violence prevention and plans for responding to acts of violence. They will also audit our overall Workplace Violence Prevention Program.

The Workplace Violence Prevention Group will consist of:

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_

## **Compliance**

We have established the following policy to ensure compliance with our rules on workplace security.

Management of our establishment is committed to ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by employees. All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

Our system ensures that all employees, including supervisors and managers, comply with work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions which create a security hazard for others in the workplace. It includes:

- Informing employees, supervisors and managers about our Workplace Violence Prevention Program.
- Evaluating the performance of all employees in complying with our establishment's workplace security measures.
- Recognizing employees who perform work practices which promote security in the workplace.
- Providing training and/or counseling to employees who need to improve work practices designed to ensure workplace security.
- Disciplining employees for failure to comply with workplace security practices.
- The following practices that ensure employee compliance with workplace security directives, policies and procedures. *[Insert list specific to your worksite.]*

At our establishment, we recognize that to maintain a safe, healthy and secure workplace we must have open, two-way communication between all employees, including managers and supervisors, on all workplace safety, health and security issues. Our

establishment has a communication system designed to encourage a continuous flow of safety, health and security information between management and our employees without fear of reprisal and in a form that is readily understandable. Our communication system consists of the following items:

- New employee orientation on our establishment's workplace security policies, procedures and work practices.
- Periodic review of our Workplace Violence Prevention Program with all personnel.
- Training programs designed to address specific aspects of workplace security unique to our establishment.
- Regularly scheduled safety meetings with all personnel that include workplace security discussions.
- A system to ensure that all employees, including managers and supervisors, understand the workplace security policies.
- Posted or distributed workplace security information.
- A system for employees to inform management about workplace security hazards or threats of violence.
- Procedures for protecting employees who report threats from retaliation by the person making the threats.
- Our establishment has fewer than ten employees and communicates with and instructs employees orally about general safe work practices with respect to workplace security.
- Other: \_\_\_\_\_

## **Hazard Assessment**

The Workplace Violence Prevention Group will perform workplace hazard assessment for workplace security in the form of record keeping and review, periodic workplace security inspections, and a workplace survey. The assessment group will identify workplace violence and security issues and make recommendations to management and employees.

### **RECORD KEEPING AND REVIEW**

*Note: Care must be taken to ensure appropriate confidentiality of medical and personnel records, as required by WISHA (Washington Industrial Safety and Health Act), Department of Health, ADA (Americans with Disabilities Act) and other applicable regulations or policies.*

Periodic updates and reviews of the following workplace violence reports and records will be made:

- Occupational Safety and Health Administration (OSHA) 300 logs
- Workplace violence incident reports
- Information compiled for recording assault incidents or near-assault incidents (i.e. Threat & Assault Log)
- Insurance records
- Police reports
- Workplace survey

- Accident investigations
- Training records
- Grievances
- Inspection information
- Other relevant records or information

The records review will be performed on the following schedule: \_\_\_\_\_.

### **WORKPLACE SECURITY INSPECTIONS**

Periodic inspections to identify and evaluate workplace security hazards and threats of workplace violence will be performed by the following observer(s) in the following areas of our workplace:

<b>Observer</b>	<b>Area</b>

Periodic inspections are performed according to the following schedule:

- \_\_\_\_\_ (Frequency – weekly, monthly, etc.);
- When we initially established our Workplace Violence Prevention Program;
- When new, previously unidentified security hazards are recognized;
- When occupational injuries or threats of injury occur; and
- Whenever workplace security conditions warrant an inspection.

Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices, and may require assessing for more than one type of workplace violence. Our establishment performs inspections for each type of workplace violence by using the methods specified below to identify and evaluate workplace security hazards.

#### **Inspections for workplace security hazards from violence by strangers (Type 1) include assessing:**

- The exterior and interior of the workplace for its attractiveness to robbers.
- The need for security surveillance measures, such as mirrors or cameras.
- Posting of signs notifying the public that limited cash is kept on the premises.
- Procedures for employee response during a robbery or other criminal act.
- Procedures for reporting suspicious persons or activities.
- Posting of emergency telephone numbers for law enforcement, fire and medical services where employees have access to a telephone with an outside line.
- Limiting the amount of cash on hand and using time access safes for large bills.
- Staffing levels during evening hours of operation and at other high risk times.

- The use of work practices such as “buddy” systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- Other: \_\_\_\_\_

**Inspections for workplace security hazards from violence by customers or clients (Type 2) include assessing:**

- Access to, and freedom of movement within, the workplace.
- Adequacy of workplace security systems, such as door locks, security windows, physical barriers and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
- Employees’ skill in safely handling threatening or hostile service recipients.
- Effectiveness of systems and procedures to warn others of a security danger or to summon assistance, e.g. alarms or panic buttons.
- The use of work practices such as “buddy” systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- The availability of employee escape routes.
- Other: \_\_\_\_\_

**Inspections for workplace security hazards from violence by co-workers (Type 3) include assessing:**

- How well our establishment’s anti-violence policy has been communicated to employees, supervisors and managers.
- How well our establishment’s management and employees communicate with each other.
- How well our employees, supervisors and managers know the warning signs of potential workplace violence.
- Access to, and freedom of movement within, the workplace by non-employees, specifically recently discharged employees.
- Frequency and severity of employee-reported threats of physical or verbal abuse by managers, supervisors or other employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Employee disciplinary and discharge procedures.
- Other: \_\_\_\_\_

**Inspection for workplace security hazards from violence by personal relations (Type 4) include assessing:**

- Access to, and freedom of movement within, the workplace by non-employees, specifically personal relations with whom one of our employee’s is having a dispute.
- Frequency and severity of employee-reported threats of physical or verbal abuse which may lead to violent acts by a personal relation.

- Adequacy of workplace security systems, such as door locks, security windows, and physical barriers.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs.
- The use of work practices such as “buddy” systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- Warnings or police involvement to remove personal relations of employees from the worksite and effectiveness of restraining orders.

**WORKPLACE SURVEY**

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Under the direction of the Workplace Violence Prevention Administrator & Group, we distributed a survey among all of our employees to identify any additional issues that were not noted in the records review or the security inspection. (See sample survey, Appendix B.)

**FINAL RECOMMENDATIONS**

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Based on the records review, workplace security inspections and workplace survey, the Workplace Violence Prevention Group has identified the following issues that need to be addressed:

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**Workplace Hazard Control and Prevention**

In order to reduce the risk of workplace violence, the following measures have been recommended:

Engineering Controls and Building or Work Area Design:

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Workplace Practices:

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Management has instituted the following as a result of the workplace violence hazard assessment and the recommendations made by the Workplace Violence Prevention Group:

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These changes were completed on *[date]*.

Policies and procedures developed as a result of the Workplace Violence Prevention Group's recommendations:

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## **■ Training and Instruction**

We have established the following policy on training all employees with respect to workplace violence and security.

All employees, including managers and supervisors, shall have training and instruction on general and job-specific workplace security practices. Training and instruction shall be provided when the Workplace Violence Prevention Program is first established and periodically thereafter. Training shall be provided to all new employees and to other employees for whom training has not previously been provided. It shall also be provided to all employees, supervisors, and managers given new job assignments for which specific workplace security training for the job assignment has not previously been provided. Additional training and instruction will be provided to all personnel whenever the employer is made aware of new or previously unrecognized security hazards.

General workplace violence and security training and instruction includes, but is not limited to, the following:

- Explanation of the Workplace Violence Prevention Program including measures for reporting any violent acts or threats of violence.
- Recognition of workplace security hazards including the risk factors associated with the four types of violence.
- Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats to managers and supervisors.
- Ways to defuse hostile or threatening situations.
- Measures to summon others for assistance.
- Employee routes of escape.
- Notification of law enforcement authorities when a criminal act may have occurred.
- Emergency medical care provided in the event of any violent act upon an employee.
- Post-event trauma counseling for those employees desiring such assistance.

In addition, we provide specific instructions to all employees regarding workplace security hazards unique to their job assignment, to the extent that such information was not already covered in other training.

We have chosen the following items for training and instruction for managers, supervisors and employees:

- Crime awareness.
- Location and operation of alarm systems, panic buttons and other protective devices.
- Communication procedures.
- Proper work practices for specific workplace activities, occupations or assignments, such as late night retail sales, taxi-cab driver, security guard, law enforcement, health care, public transportation, etc.
- Self-protection.
- Dealing with angry, hostile or threatening individuals.
- Using the “buddy” system or other assistance from co-employees.
- Awareness of indicators that lead to violent acts by service recipients.
- Employee assistance programs.
- Review of anti-violence policy and procedures.
- Managing with respect and consideration for employee well-being.
- Pre-employment screening practices.
- Role playing a violent incident.

## Incident Investigation

Our procedures for investigating incidents of workplace violence – threats and physical injury – include:

- Reviewing all previous incidents.
- Visiting the scene of an incident as soon as possible.
- Interviewing threatened or injured employees and witnesses.
- Examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determining the cause of the incident.
- Taking corrective action to prevent the incident from recurring.
- Recording the findings and corrective actions taken.
- Other: \_\_\_\_\_

# Appendix B

## SAMPLE Forms

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*These sample forms may be useful to carry out or enhance your workplace violence program. They are not mandatory, and should be tailored to fit your organization's needs.*

### **Sample Assault Incident Report Form**

This type of form can be used to report any threatening remark or act of physical violence against a person or property, whether *experienced* or *observed*. Individuals may be more forthcoming with information if the form is understood to be voluntary and confidential. The form also needs to identify where it should be sent after completion (for example, workplace violence prevention group or safety committee representative).

### **Sample Threat and Assault Log**

This type of log can help summarize and characterize reports of threats and assaults in your company over the course of a year. This information may prove helpful to your workplace violence prevention group (or administrator) when considering the need for additional hazard assessment, prevention measures or training.

### **Sample Employee Survey on Hazard Assessment**

Periodically surveying employees on workplace violence can be a valuable tool for evaluating your workplace violence prevention efforts and gathering suggestions for improving your program. Some employees may prefer not to have their names identified on a survey; making the name "optional" may increase the amount of feedback you receive.

**SAMPLE**

**Assault Incident Report Form • Page 1**

Date of Incident	Year	Month	Day of Week
Location of Incident (map and sketch on reverse side)			
Name of Victim		Gender:	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
Victim Description:		Member of Labor Organization?	
<input type="checkbox"/> Employee – Job Title _____ <input type="checkbox"/> Client <input type="checkbox"/> Visitor		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Assigned Work Location (if employee)			
Supervisor		Has supervisor been notified?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Describe the assault incident.			
List any witnesses to the incident (name and phone).			
Did the assault involve a firearm? If so, describe.			
Did the assault involve another weapon (not a firearm)? If so, describe.			
Was the victim injured? If yes, please describe.			
Who committed the assault?			
Name (if known): _____			
What is his/her status to the victim? <input type="checkbox"/> Stranger <input type="checkbox"/> Personal Relation <input type="checkbox"/> Client / Patient / Customer <input type="checkbox"/> Co-worker <input type="checkbox"/> Supervisor <input type="checkbox"/> Other: _____			
What was the gender of the person(s) who committed the assault?			
<input type="checkbox"/> Male <input type="checkbox"/> Female			

**SAMPLE**

**Assault Incident Report Form • Page 2**

**Please check any risk factors applicable to this incident.** Each company should develop and include a list of potential risk factors that may apply in its worksite.

- Contact with the public.
- Working with money.
- Delivery of passengers, goods, or services.
- Having a mobile workplace such as a taxicab or police cruiser.
- Working with unstable or volatile persons in health care, social services, or criminal justice settings.
- Working in isolation.
- Working late at night or during early morning hours.
- Working in high-crime areas.
- Guarding valuable property or possessions.
- Working in community-based settings.
- Poor lighting outside of worksite.
- Other risk factor: \_\_\_\_\_
- Other risk factor: \_\_\_\_\_

What steps could be taken to avoid a similar incident in the future? (To avoid recreating trauma, sound judgment should be exercised in deciding when to request this information.)

Send completed form to: \_\_\_\_\_

**SAMPLE**

Threat and Assault Log		Year					
		January-June		July-December		Total	
Number of Threats and Assaults		# Threats	# Assaults	# Threats	# Assaults	# Threats	# Assaults
<b>Type of Threat or Assault</b>							
Type 1 / Threat or assault by stranger							
Type 2 / Threat or assault by customers/clients							
Type 3 / Threat or assault by co-workers							
Type 4 / Threat or assault by personal relations							
<b>Gender of Victims and Perpetrators</b>		# Threats	# Assaults	# Threats	# Assaults	# Threats	# Assaults
Number of female victims							
Number of male victims							
Number of female perpetrators							
Number of male perpetrators							
<b>Time of Threats and Assaults</b>		# Threats	# Assaults	# Threats	# Assaults	# Threats	# Assaults
Day shift							
Evening shift							
Night shift							
On weekend							
<b>Location of Threats and Assaults</b>		# Threats	# Assaults	# Threats	# Assaults	# Threats	# Assaults
On work premises							
Parking lot							
Other duty station							
<b>Other Considerations</b>		# Threats	# Assaults	# Threats	# Assaults	# Threats	# Assaults
Threats and assaults involving firearms							
Threats and assaults involving other weapons (not firearms)							
Number of cases where the victim was working in isolation							
<b>Result of Threats and Assaults</b>							
Death							
Physical injury							
Stress/psychological impairment							
No injury							

## SAMPLE

### Employee Survey on Workplace Violence Hazard Assessment

Name (Optional) \_\_\_\_\_

Department/Unit \_\_\_\_\_ Date \_\_\_\_\_

Work Location (if at alternate worksite) \_\_\_\_\_

Please assess your department/unit over the last year. Circle TRUE (T), FALSE (F) or DON'T KNOW (?).

Thank you for your honest assessment.

<b>Management Commitment and Employee Involvement</b>			
T	F	?	1. Violence/threats are not accepted as "part of the job" by managers, supervisors and/or employees.
T	F	?	2. Employees communicate information about potentially assaultive/threatening clients or visitors to appropriate staff.
T	F	?	3. Management communicates information to employees about incidents of workplace violence.
T	F	?	4. Employees feel they are treated with dignity and respect by other employees and management.
T	F	?	5. Employees are basically satisfied with their jobs.
T	F	?	6. Employees are basically satisfied with management.
T	F	?	7. Employees are basically satisfied with the organization (i.e., mission, vision, goals).
T	F	?	8. Employees generally feel "safe" when they are at work.
T	F	?	9. Employees are familiar with the department's/unit's violence prevention policy.

<b>Potential Risk Factors</b>			
T	F	?	10. Employees do not work in high-crime areas.
T	F	?	11. Employees do not work with drugs.
T	F	?	12. Employees do not work with cash.
T	F	?	13. Employees do not work with patients or clients who have a history of violent behavior or behavior disorders.
T	F	?	14. Employees do not work in isolated work areas.

<b>Hazard Prevention and Control</b>			
T	F	?	15. The department/unit has adequate lighting to, from and within the worksite.
T	F	?	16. The employee parking garage is secure when arriving, leaving and during changes of shift.
T	F	?	17. Access and freedom of movement within the workplace are restricted to those persons who have a legitimate reason for being there.
T	F	?	18. Alarm systems such as panic alarm buttons, silent alarms, or personal electronic alarm systems are being used for prompt security assistance.
T	F	?	19. Employees know to use security escort service after hours.

T	F	?	20. After hours, the building is locked down with only one access point.
T	F	?	21. Visitors are signed in and out.
T	F	?	22. Exits are accessible and clearly marked.
T	F	?	23. Employees are able to locate emergency equipment such as fire alarm boxes or emergency-generator outlets.
T	F	?	24. Emergency equipment is accessible and free from obstruction.
T	F	?	25. Employees are able to locate cellular phones, power-failure phones and/or radios for emergency communication.
T	F	?	26. Employees know proper procedures if a bomb threat is announced.
T	F	?	27. Employee emergency call-back list is up-to-date and available.
T	F	?	28. Employees provide privacy to reflect sensitivity and respect for clients and visitors.
T	F	?	29. Employees use the "buddy system" to work together if problems arise.
T	F	?	30. Employees working in the field have cellular phones or other communication devices to enable them to request aid.
T	F	?	31. Staffing levels are appropriate for department/unit functions.
T	F	?	32. Reference manuals are up-to-date and available to employees.
T	F	?	33. There is a grievance policy available to employees.
T	F	?	34. There is a Safety Committee available as a resource to staff for any hazard concern.

### Training

T	F	?	35. Employees have received training on the company's workplace violence prevention program.
T	F	?	36. Employees know how to ask for assistance by phone or by alerting other staff.
T	F	?	37. Employees have been trained to recognize and handle threatening, aggressive, or violent behavior.
T	F	?	38. Employees have been trained in verbal de-escalation techniques.
T	F	?	39. Employees have been trained in self-defense/restraint procedures.

### Incidents and Reporting

T	F	?	40. This work unit/department has not experienced violent behavior and assaults or threats from strangers.
T	F	?	41. This work unit/department has not experienced violent behavior and assaults or threats from clients or customers.
T	F	?	42. This work unit/department has not experienced violent behavior and assaults or threats from others employed in the organization.
T	F	?	43. This work unit/department has not experienced domestic violence issues.
T	F	?	44. Employees are required to report incidents or threats of violence, regardless of injury or severity; the reporting system is clear.
T	F	?	45. Medical and psychological counseling services were offered to employees who have been assaulted or threatened.

# Appendix C

## SAMPLE Training Techniques

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### ■ Technique #1: Review Workplace Violence Prevention

#### Extent of the Problem

List statistics relative to your industry here. Use national and statewide information. You can also discuss the crime statistics of the neighborhood the company is in. Some of this information is available in the Overview Section at the beginning of this guidebook.

#### Risk Factors

Discuss the risk factors in your particular industry here. Look in the section titled “Violent Incidents: Case Scenarios, Potential Risk Factors and Potential Prevention Measures” in this guidebook.

#### Worksite Analysis

Discuss the violence history of your company. You can use the number of incidents, the rate and/or the types.

#### Security Hardware

Have the manager of your unit show you security hardware. (Put a checklist here of equipment you have at your company to prevent violence. This might include panic buttons, video cameras, security lighting, etc.)

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#### Work Practice Controls

Discuss policies and procedures you have implemented to minimize violence in your company. Include any written procedures. Be sure to address your company’s weapons policy and how to summon help in an emergency.

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## **Follow Up Procedures**

Report all assaults. (Include here a copy of the form your company uses to report violent incidents.)

File charges. *[Company name]* recommends that charges be filed in every case when an employee is assaulted. We will help you to do so including sending witnesses to testify if needed. No reprisals will be taken against any employee who is assaulted or files charges relating to an assault.

If a violent incident occurs, all affected staff will be offered counseling through an employee assistance program or other comparable counseling services.

## **■ Technique #2: Role Play Exercise to Defuse Violent Situations**

Read the information in the charts below. Then have employees role play a confrontation. During the role play note the signs of escalating behavior and the techniques used to control it. Afterwards have the group discuss their observations. Address the following questions: What went well? What problems were there? What responses would work better?

Write a scenario about a violent incident for a couple of employees to act out. Use a case scenario in this guidebook or make up one appropriate to your company.

## **■ Technique #3: Hands-on Practice**

If the violence in your workplace comes from unarmed people such as patients, you may want to train your employees in self defense and restraining techniques. Have your employees actually try out the techniques. Remember, in cases with armed perpetrators, such as robberies, it is usually safer to submit to the perpetrator's demands.

## Five Warning Signs of Escalating Behavior

Confusion	
Warning Signs	Possible Responses
<p>Behavior characterized by bewilderment or distraction. Unsure or uncertain of the next course of action.</p>	<ul style="list-style-type: none"> <li>▪ Listen to their concerns.</li> <li>▪ Ask clarifying questions.</li> <li>▪ Give them factual information.</li> </ul>

Frustration	
Warning Signs	Possible Responses
<p>Behavior characterized by reaction or resistance to information. Impatience. Feeling a sense of defeat in the attempt of accomplishment. May try to bait you.</p>	<ul style="list-style-type: none"> <li>▪ See steps above.</li> <li>▪ Relocate to quiet location or setting.</li> <li>▪ Reassure them.</li> <li>▪ Make a sincere attempt to clarify concerns.</li> </ul>

Blame	
Warning Signs	Possible Responses
<p>Placing responsibility for problems on everyone else. Accusing or holding you responsible. Finding fault or error with the action of others. They may place blame directly on you. <b>Crossing over to potentially hazardous behavior.</b></p>	<ul style="list-style-type: none"> <li>▪ See steps above.</li> <li>▪ Disengage, bring second party into discussion.</li> <li>▪ Use teamwork approach.</li> <li>▪ Draw client back to facts.</li> <li>▪ Use probing questions.</li> <li>▪ Create "Yes" momentum.</li> </ul>

Anger – Judgment call required	
Warning Signs	Possible Responses
<p>Characterized by a visible change in body posture and disposition. Actions include pounding fists, pointing fingers, shouting or screaming. <b>This signals very risky behavior.</b></p>	<ul style="list-style-type: none"> <li>▪ Utilize venting techniques.</li> <li>▪ Don't offer solutions.</li> <li>▪ Don't argue with comments made.</li> <li>▪ Prepare to evacuate or isolate.</li> <li>▪ Contact supervisor and/or security office.</li> </ul>

Hostility – Judgment call required	
Warning Signs	Possible Responses
<p>Physical actions or threats which appear imminent. Acts of physical harm or property damage. Out-of-control behavior signals they have crossed over the line.</p>	<ul style="list-style-type: none"> <li>▪ Disengage and evacuate.</li> <li>▪ Try to isolate person if it can be done safely.</li> <li>▪ Alert supervisor and contact security office immediately.</li> </ul>

## Personal Conduct to Minimize Violence\*

Follow these suggestions in your daily interactions with people to de-escalate potentially violent situations. If at any time a person's behavior starts to escalate beyond your comfort zone, disengage.

### Do

- Project calmness, move and speak slowly, quietly and confidently.
- Be an empathetic listener: Encourage the person to talk and listen patiently.
- Focus your attention on the other person to let them know you are interested in what they have to say.
- Maintain a relaxed yet attentive posture and position yourself at a right angle rather than directly in front of the other person.
- Acknowledge the person's feelings. Indicate that you can see he/she is upset.
- Ask for small, specific favors such as asking the person to move to a quieter area.
- Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior.
- Use delaying tactics which will give the person time to calm down. For example, offer a drink of water (in a disposable cup).
- Be reassuring and point out choices. Break big problems into smaller, more manageable problems.
- Accept criticism in a positive way. When a complaint might be true, use statements like "You are probably right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.
- Ask for his/her recommendations. Repeat back to him/her what you feel he/she is requesting of you.
- Arrange yourself so that a visitor cannot block your access to an exit.

### Do Not

- Use styles of communication which generate hostility such as apathy, brush off, coldness, condescension, robotism, going strictly by the rules or giving the run-around.
- Reject all of a client's demands from the start.
- Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger pointing or long periods of fixed eye contact.
- Make sudden movements which can be seen as threatening. Notice the tone, volume and rate of your speech.
- Challenge, threaten, or dare the individual. Never belittle the person or make him/her feel foolish.
- Criticize or act impatiently toward the agitated individual.
- Attempt to bargain with a threatening individual.
- Try to make the situation seem less serious than it is.
- Make false statements or promises you cannot keep.
- Try to impart a lot of technical or complicated information when emotions are high.
- Take sides or agree with distortions.
- Invade the individual's personal space. Make sure there is a space of three feet to six feet between you and the person.

\*From *Combating Workplace Violence: Guidelines for Employers and Law Enforcement*. International Association of Chiefs of Police. 1996.

# Appendix D

## SAMPLE Policy on Domestic Violence in the Workplace

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### Description

Domestic violence is abusive behavior that is either physical, sexual, and/or psychological, intended to establish and maintain control over a partner. Domestic violence is a serious problem that affects people from all walks of life. It can adversely affect the well-being and productivity of employees who are victims, as well as their co-workers. Other effects of domestic violence in the workplace include increased absenteeism, turnover, health care costs, and reduced productivity.

### Policy Statement

The *[Employer Name]* will not tolerate domestic violence including harassment of any employee or client while in our facilities, vehicles, on our property, or while conducting business. This includes the display of any violent or threatening behavior (verbal or physical) that may result in physical or emotional injury or otherwise places one's safety and productivity at risk.

Any employee who threatens, harasses, or abuses someone at our workplace or from the workplace using any company resources such as work time, workplace phones, FAX machines, mail, e-mail, or other means may be subject to corrective or disciplinary action, up to and including dismissal. Corrective or disciplinary action may also be taken against employees who are arrested, convicted or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties in our company.

The *[Employer Name]* is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employees will be penalized or disciplined solely for being a victim of harassment in the workplace. Our company will provide appropriate support and assistance to employees who are victims of domestic violence. This includes: confidential means for coming forward for help, resource and referral information, work schedule adjustments or leave as needed to obtain assistance, and workplace relocation as feasible.

Employees who are perpetrators of domestic violence are also encouraged to seek assistance. Our company will provide information regarding counseling and certified treatment resources, and make work schedule arrangements to receive such assistance.

### Special Instructions for Employees

It is important that all employees know how best to respond to the effects of domestic violence in the workplace. In addition, they also should be aware of physical or behavioral changes in other employees and know who — personnel officer, manager, and

or employee advisory service/resource — they can contact for advice. They should not attempt to diagnose the employee.

Managers/supervisors or human resource professionals in our company should receive domestic violence training. Our company should also:

- Be responsive when an employee who is either the victim or perpetrator of domestic violence asks for help.
- Maintain confidentiality. Information about the employee should only be given to others on a need-to-know basis.
- Work with the victim, personnel office, manager, employee advisory service/resource, available security staff, law enforcement, and community domestic violence programs, if necessary, to assess the need for and develop a workplace safety plan for the victim. Victims of domestic violence know their abusers better than anyone else. When it comes to their own personal safety, offer to assist them in developing a workplace safety plan, but allow them to decide what goes in it. If it is determined that other employees or clients are at risk, it is essential to take measures to provide protection for them.
- Adjust the employee's work schedule and/or grant leave if the employee needs to take time off for medical assistance, legal assistance, court appearances, counseling, relocation, or to make other necessary arrangements to create a safe situation. Be sure to follow all applicable personnel rules.
- Maintain communication with the employee during the employee's absence. Remember to maintain confidentiality of the employee's whereabouts.
- Post information about domestic violence in your work area. Also, have information available where employees can obtain it without having to request it or be seen removing it — such as rest rooms, lunchrooms, or where other employee resource information is located.
- Honor all civil protection orders. As appropriate, participate in court proceedings in obtaining protection orders on behalf of the employee.
- Maintain a list of services available to victims and perpetrators of domestic violence. This list should include: Employee Advisory Service/Resource, local shelters, certified domestic violence treatment programs available to perpetrators, information on how to obtain civil orders of protection, and any available community resources.
- Advise and assist supervisors and managers in taking corrective or disciplinary actions against perpetrators of domestic violence.

## **Options for Employees Who Are Victims of Domestic Violence**

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact your personnel officer for assistance.
- Contact the Employee Advisory Service/Resource.
- Contact the 24-hour Washington State Domestic Violence Hotline at 1-800-562-6025 (V/TTY).
- Call the local police.
- Notify your supervisor of the possible need to be absent. Find out what work schedule or leave options are available to you. Be clear about your plan to return to work and maintain communications with your supervisor during your absence.

- If appropriate and if safety is a concern, submit a recent photograph of the abuser and a copy of your protection order to your supervisor. This assists your employer in identifying the abuser should he/she appear in the workplace.

## **Options for Employees Who Are Perpetrators of Domestic Violence**

- Tell a trusted co-worker, supervisor, or manager, and ask for help.
- Contact your personnel officer for assistance.
- Contact the Employee Advisory Service/Resource.
- Obtain a referral to a certified domestic violence perpetrators' treatment program.

## **Components of a Workplace Safety Plan**

- Consider obtaining civil orders for protection and make sure that they remain current and are accessible at all times. A copy should be provided to the employee's supervisor, reception area, and security areas if there is a concern about the abusive partner coming to the work site.
- The employee should consider providing a picture of the perpetrator to reception areas and/or security.
- A company contact person should be identified for the employee to reach when needed.
- An emergency contact person should be identified should the employer be unable to contact the employee.
- Review the employee's parking arrangements for possible changes.
- Consider changing the employee's work schedule.
- Consider what steps need to be taken to provide for the safety of other employees and clients.
- Consider having the employee's telephone calls screened at work.

# Appendix E

## Selected Laws and Regulations

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*This appendix primarily focuses on laws and regulations as they apply to workplaces. Along with the selected list that follows, employers may want to learn more about general criminal laws (e.g., those covering assault, harassment and stalking) that can apply to workplace violence situations. If illegal acts occur in the workplace, an appropriate response involves law enforcement officials as well as administrative action.*

**Note that the laws and regulations detailed in this appendix are mandatory – as opposed to voluntary – for businesses subject to these legal requirements.**

### ■ Late Night Retail Workers Crime Protection: WAC 296-832

The Late Night Retail Workers Crime Protection Standard provides specific violence-related direction to retail businesses that operate between 11:00 p.m. and 6:00 a.m. Restaurants, taverns, hotels and other lodging facilities are not covered by this rule.

The rule was created to improve the safety of workers in the late night retail industry. In general, the rule requires:

- Crime prevention training for workers.
- Safety measures, including drop safes and exterior lighting that remains on during all hours of operation.
- Signage announcing that workers cannot access the safe and that the cash register contains only the minimum amount of cash needed to conduct business.

To view the entire rule, visit [www.Lni.wa.gov/Safety](http://www.Lni.wa.gov/Safety) and look for Late Night Retail Worker Crime Prevention under “L” in the Index.

### ■ Safety in Health Care Settings: RCW 49.19

The safety in health care settings law requires employers in specific health care worksites to develop and implement a plan to reasonably prevent and protect employees from violence. The law requires that these plans include:

- A hazard assessment of the facilities.
- Training for employees on the workplace violence prevention plan.
- Follow-up on any workplace violence incidents that describes steps taken in response to the incident.
- A record of violent acts for at least 5 years from when the act is reported.

## Workplace Violence Safety Plan in Public and Private Facilities for the Mentally Ill: RCW 72.23.400

This law requires employers in these settings to develop and implement a plan that would reasonably prevent and protect employees from violence. The plan must include:

- A hazard assessment of their facilities.
- Employee training on the plan.
- Follow up on any workplace violence incidents.
- A review of the plan at least annually.

## Other L&I Regulations That May Apply to Workplace Violence Hazards

Several existing provisions of the Washington Administrative Code (WAC) may apply to the hazards of violence in the workplace, including (but not necessarily limited to) the following:

**WAC 296-800-14025** requires employers “to establish, supervise, and enforce your accident prevention program in a manner which is effective in practice.”

**WAC 296-800-32005** requires employers to report fatalities and hospitalization of one or more employees to Labor & Industries within eight hours.

**WAC 296-800-14005** requires employers to “develop a formal [written] accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazards involved.” The program must include “a safety orientation program” that contains (among other things) information about reporting injuries and unsafe conditions, the use and care of personal protective equipment, and emergency procedures.

**WAC 296-800-11005** requires employers “to furnish to each employee a place of employment free from recognized hazards that are causing or likely to cause serious injury or death” to employees. WAC 296-800-11010 requires employers “to adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe” and to “do every other thing reasonably necessary to protect the life and safety of employees.”

**WAC 296-800-16005** requires employers “to assess the workplace to determine if hazards are present, or likely to be present, which necessitate the use of personal protective equipment (PPE)” and to select appropriate PPE and require its use.

**WAC 296-800-310** requires “every building or structure, new or old, designed for human occupancy” to be “provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency.”

**WAC 296-27-01101** requires employers to maintain records of occupational injuries and illnesses.

**WAC 296-360-020** prohibits an employer from firing or otherwise retaliating against an employee for reporting unsafe work conditions, including concerns about potential workplace violence.

**WAC 296-800-21005** requires “lighting which is adequately adjusted to provide a margin of safety for all work tasks” and specifies minimum indoor and outdoor lighting levels.

For details of existing regulations or policy that may apply to workplace violence hazards, contact the L&I service center nearest you.

## Selected Laws Relevant to Workplace Violence

*The following is a summary of selected federal and state laws that may relate to workplace violence issues in your workplace. The summary is not intended to be and should not be used as a substitute for specific legal advice. For legal advice consult your attorney or legal counsel.*

### Workers’ Compensation

Whether an employer is self-insured or participates in the state fund, workers’ compensation laws (RCW Title 51) are intended to compensate workers for injuries arising out of or in the course of employment. Generally, an employee is limited to the remedies offered under the workers’ compensation laws and cannot bring a separate civil action unless evidence of an intentional injury is present.

### Discrimination

Employers are prohibited from discriminating against employees on the basis of any protected characteristics. Both the Americans with Disabilities Act (ADA, 2 U.S.C. § 1202) and the Washington State Law Against Discrimination (RCW 49.60) offer job protection to “qualified individuals with a disability,” including both physical and mental disabilities. If an alleged perpetrator of violence claims that his or her behavior is caused by a mental disability and requests accommodation of that disability, the employer must carefully weigh the options and outcomes of any decisions in dealing with that situation.

However, even if an employee’s rude, insubordinate, or threatening behavior is caused by a qualifying disability such as clinical depression or a diagnosed mood disorder, that does not mean an employer has no options. The ADA only requires “reasonable” accommodation for individuals who are “otherwise qualified” for the position.

The ADA applies to employers with 15 or more employees. The Washington State Law Against Discrimination applies to employers with eight or more employees.

## Tips for Reducing the Risk of Workplace Violence

*When an incident of workplace violence occurs, an employer could face civil claims from three different parties: the victims, the violators, and even third parties, such as witnesses to the violence. These claims include but are not limited to negligent hiring, negligent retention, wrongful discharge, and failure to warn. Various measures an employer may take to limit potential liability are listed in the following pages.*

## **Background Checks/References**

Employers should check a job applicant's background as thoroughly as possible. Ask for complete prior employment history, education, and/or military service. Request that the applicant provide an explanation for any time gaps between jobs. Speak with previous employers regarding the applicant and any special concerns regarding the particular job in question.

## **Criminal Arrests and Convictions**

The Washington State Human Rights Commission administers regulations covering fair and unfair pre-employment inquiries about arrests and convictions (WAC 162-12). Employers can ask applicants about criminal *convictions* that reasonably relate to the job duties of the position or request that information from the Washington State Patrol. Such inquiries can only address convictions or release from prison that occurred within the last 10 years. When employers inquire about arrests, they must ask whether charges are still pending, have been dismissed or led to a conviction of a crime involving behavior which would adversely affect job duties or the position. An arrest by itself is not a reliable indicator of criminal behavior.

Law enforcement agencies, state agencies, school districts, businesses and other organizations that have a direct responsibility for the supervision, care or treatment of children or vulnerable adults are exempt from these regulations. Thorough background checks are encouraged for positions that are particularly risky. In some cases, they are required for employers who provide care, supervision or treatment for children or vulnerable adults (RCW 43.20A.710, RCW 43.43.830-842, RCW 72.23.035).

As a matter of preventative employment practice, employers should include a disclaimer, such as "An arrest or conviction record will not necessarily bar you from employment with the company."

## **Credit Checks**

A credit report can help to verify information on a job application. Include a statement in the job application form that indicates that credit checks will be performed and that the applicant agrees to allow such credit checks.

Washington has a Fair Credit Reporting Act. Under the Washington law, an employer may not take any adverse employment action based in whole or in part on information contained in a "consumer report" until it has advised the consumer against whom such adverse action is to be taken, supplied the name and address of the consumer reporting agency making the report, and given the consumer an opportunity to respond to any information in the report that is disputed.

## **Medical Examinations and Inquiries**

The ADA prohibits employers from making medical inquiries into the health or condition of a current employee, except under the following conditions: (1) when the employee is having difficulty performing the job effectively; (2) when the employee becomes disabled, including on-the-job injuries; (3) when the employee has requested accommodation; (4) when required by other laws; or (5) in conjunction with voluntary health screening programs.

If an employee's behavior raises concerns for the employer because it is impacting job performance, the employer may require a medical examination or question the employee. However, the examinations or inquiries must be job-related and should focus on the employee's ability to perform the job. The employer should provide the medical professional with an updated job description so any analysis can focus on the essential job duties. The medical professional should address the nature of the condition, duties that the employee cannot perform, expected duration of the disability, necessary limitations on activity, and whether a potential threat to health and safety exists. Finally, the employee should sign a release of information to the employer.

### **Drug and Alcohol Testing**

Although the ADA prohibits medical examinations that screen individuals for disabilities, a test to determine whether illegal drugs are currently being used is not considered a "medical examination" for the purpose of the ADA. (42 U.S.C. § 12114(d)(1)).

In contrast to tests for illegal drugs, blood alcohol tests, breath alcohol tests, and urine alcohol tests are considered medical examinations and are limited to those circumstances when medical exams are permitted when they are job-related and consistent with business necessity. (42 U.S.C. § 12112 ( c ) (4)(A)).

### **Workplace Searches**

Public sector employers are governed by the right of privacy derived from the federal and state constitutional protections against unreasonable searches and seizures. The constitutional right hinges on whether the employer violates an employee's reasonable expectation of privacy.

Private sector employers generally may search on-property or employer-owned vehicles, desks, lockers, as well as packages, lunch boxes and the like brought to or taken from work. The employer should have a reasonable basis for any search and conduct the search in a reasonable manner. "Reasonable basis" does not include discriminating on the basis of race, sex, ethnic origin or other such characteristic. Employers may therefore wish to explain why any searches are necessary, establish search procedures that are minimally intrusive of employees' privacy, and ensure non-discriminatory criteria for searches are identified in advance and equitably applied. Inform employees that refusal to submit may lead to discipline or discharge for insubordination. However, avoid forcing employees to submit because detaining an employee involuntarily may lead to liability for false imprisonment.

# Appendix F

## Other Resources on Workplace Violence

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Resources to develop a workplace violence prevention program, offer training for employees, or research the subject, are available from the state Department of Labor & Industries (L&I) and other sources.

### ■ **L&I Safety & Health Video Library & Resource Center**

L&I's Safety & Health Video Library & Resource Center has several videos on workplace violence available for loan.

Visit [www.Lni.wa.gov/Videos](http://www.Lni.wa.gov/Videos) to see a list of the available videos or call 800-574-9881.

### ■ **Other Publications**

Other publications are available on workplace violence. Many can be found by visiting [www.Lni.wa.gov/WorkplaceViolence](http://www.Lni.wa.gov/WorkplaceViolence).

### ■ **Internet Resources**

Additional resources on workplace violence can be found at these websites:

- Washington State Hospital Association: [www.wsha.org](http://www.wsha.org)
- Occupational Safety and Health Administration: [www.osha.gov](http://www.osha.gov)
- Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health: [www.cdc.gov/niosh/topics/violence](http://www.cdc.gov/niosh/topics/violence)
- Oregon OSHA: [www.orosha.org](http://www.orosha.org)
- U.S. Bureau of Labor Statistics: [www.bls.gov](http://www.bls.gov)
- WorkSafe BC (British Columbia): [www.worksafebc.com](http://www.worksafebc.com)

# Appendix G

## Technical Assistance and Training

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L&I provides free safety consultations to more than 2,000 Washington companies each year. Upon request, a safety and health consultant will visit any worksite and offer suggestions to improve safety, accident prevention programs and offer ways to save money on industrial insurance. The service is provided at no cost.

Safety consultants can also bring workshops to businesses upon request. Visit [www.Lni.wa.gov/SafetyConsultants](http://www.Lni.wa.gov/SafetyConsultants) for more information or call 1-800-423-7233.



- For information in Spanish (Información sobre seguridad en español): [www.Lni.wa.gov/Seguridad](http://www.Lni.wa.gov/Seguridad)
- L&I website: [www.Lni.wa.gov](http://www.Lni.wa.gov)
- Safety and health information: [www.Lni.wa.gov/Safety](http://www.Lni.wa.gov/Safety)
- L&I forms and publications: [www.Lni.wa.gov/FormPub](http://www.Lni.wa.gov/FormPub)

You can also call any of our regional offices for help:

### L&I Regional Safety Consultants



Phone	Counties
425-290-1431	Island, San Juan, Skagit, Snohomish, Whatcom
206-515-2837	King
253-596-3917	Clallam, Jefferson, Kitsap, Pierce
360-902-5472	Clark, Cowlitz, Grays Harbor, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston, Wahkiakum
509-886-6570	Adams (west county), Benton, Chelan, Columbia, Douglas, Franklin, Grant, Kittitas, Okanogan, Walla Walla, Yakima
509-324-2543	Adams (east county), Asotin, Ferry, Garfield, Lincoln, Pend Orielle, Spokane, Stevens, Whitman



*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.*

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