

MAINE STATE LEGISLATURE

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**GUN VIOLENCE IN MAINE:
WHAT CAN WE DO TO
PREVENT IT?**

December 8, 2004

**Augusta Civic Center
Augusta, Maine**

Workplace Violence: Employee Protection

Moderator:

Jessica Maurer

Panelists:

Adam Fisher, Asst to the Commissioner, Maine Department of Labor
Chief Jerry Hinton, Brunswick Police Department
Adriana B. Bellerose, Vice President, Human Resources Partners, LLC
Timothy J. O'Brien, Esq., Verrill Dana, LLP

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Workplace Violence: Employee Protection

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Workplace Violence Defined

- An act of aggression in the workplace causing physical or emotional harm.
- Includes assault, rape, verbal abuse, or threats.
- Workplace violence is not limited to the traditional workplace. It can occur off-site at trade shows and conferences, at work related social events, or at the businesses or homes of customers.

By the Numbers

- Workplace violence is the leading cause of workplace fatalities for women and young workers.
- Second leading cause for workers in general.
- Approximately one-million workers are victims of workplace violence each year.
- An average of 18,000 assaults occur in the workplace **each week** – 20 result in fatalities.

Risk Factors

Workers most at risk of violence in the workplace share one or more of the following factors:

- High degree of interaction with the public
- Exchange money
- Deliver services or goods
- Work late at night or during early morning hours
- Work alone
- Guard valuable goods or property
- Deal with violent people or volatile situations.

Most Dangerous Occupations

- Taxicab drivers and chauffeurs are at highest risk of homicide on the job -- nearly 60 times the national average rate.
- Police & corrections workers.
- Gas service station attendants.
- Jewelry store employees.

Non fatal assaults

Majority in service and retail trade industries.

- 27% occurred in nursing homes
- 13% in social services
- 11% in hospitals
- 6% in grocery stores
- 5% occurred in eating and drinking places.

Public Sector employees make up 31% of all workplace violence victims.

Types of Workplace Violence

Workplace violence can be broken down into four primary categories:

- Customer or client conflicts
- Domestic violence spillover
- Disgruntled employees / former employees
- Robberies or criminal activity

Workplace Violence: Employee Protection

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Proactive and Preventative Approach

- Build a Plan & Spread The Word
- Thoroughly Screen Applicants
- Training
- Proper Discipline and Termination
- Keep Your Plan Alive

Build a Plan & Spread the Word

Model Policy (BNA)

- Purpose
- Prohibited Conduct
- Identifying & Responding to Risks
- Guidelines for Handling Violent Situations
- Support for Victims of Violence
- Enforcement

Spread the Word

- Orientations
- Posting / Visuals
- Model Behaviors for Safe Environments
- Training

Thoroughly Screen Applicants

- Reference Checks
- Background Checks
- Reframe Interview Questions
 - *Past Behaviors Often Predict Future Behaviors*

Training

The cost of a single fatal incident of workplace violence far exceeds the minor cost of the training that may have prevented it!

- Train Everyone
- Front Line Supervisors

Training Should Include

- Policy and Procedures
- Early Warning Signs
- Ways to Prevent Violent Situations
- How to Locate & Operate Safety Devices
- Keep Records of Training
- Evaluate the Training
 - Use Hypothetical Situations

Discipline and Termination

- Solid, Consistent Practice in Place
- Progressive Discipline Process
- Respectful, Confidential
- Have All Information/Paperwork Prepared in Advance
- Share the Responsibility

Keep Your Plan Alive

- Follow Your Own Policies
- Model Behavior
- Find A Method That Assures Everyone Is Familiar and Understands Your Policy
- Review Your Workplace Violence Plan On A Yearly Basis
- Continuously Create A Supportive Work Environment

Workplace Violence: Employee Protection

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Legal Issues for Employers

- Duty to Provide a Safe Workplace
- OSHA Requirements and Guidance
- Policies, Training, Prevention, Planning
- Actions
 - Hazard Assessment
 - Engineering and Administrative Controls

Potential Legal Liabilities

- Negligent Hiring, Retention, Training, Security
- Assault and Battery
- Vicarious Liability
- Workers' Compensation

Employer's Approach

- Training for Managers, Supervisors, Employees and Receptionists
- Policies/Prohibitions
 - Violence/Weapons
 - The Employer's "Premises"
- Role of Searches
- Response to Threats, Concerns, Real Issues
 - Contacting the Police
 - Discussions with Problem Employee
 - Letter of "Disinvitation"
 - Letter from Attorney/Legal Action

Legal Rights of Problem Employees

- Public Sector/Private Sector
- Company Policies/Union Contract
- Invasion of Privacy
- Defamation
- Assault and Battery
- False Imprisonment
- Discrimination in General; Role of ADA

Cases

**Workplace Violence:
Employee Protection**

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Violence Prevention Checklist

(Bureau of National Affairs)

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Violence Prevention Checklist *(Bureau of National Affairs)*

Please use the following checklist to identify and evaluate workplace security hazards.

NO answers indicate areas where corrective action should be taken if appropriate for the establishment:

Is the entrance to the building easily seen from the street and free of heavy shrub growth?

- Yes
- No

Are security cameras and mirrors placed in locations that would deter robbers or provide greater security for employees?

- Yes
- No

Are signs posted notifying the public that limited cash, no drugs, or no other valuables are kept on the premises?

- Yes
- No

Are drop safes or time access safes used?

- Yes
- No

Is lighting bright in parking and adjacent areas?

- Yes
- No

Are windows and the view outside and inside clear of advertising or other obstructions?

- Yes
- No

Is the cash register in plain view of customers and police cruisers to deter robberies?

- Yes
- No

Do employees work with at least one other person?

- Yes
- No

Are employees protected through the use of bulletproof enclosures?

- Yes
- No

If not, is the facility closed during the night or during the high risk hours of 9 p.m. to 6 a.m.?

- Yes
- No

Are emergency telephone numbers for law enforcement, fire, and medical services posted in areas where employees have access to a telephone with an outside line?

- Yes
- No

Have employees been trained in the proper responses during a robbery or other criminal act?

Yes

No

Have employees been trained in procedures to use for reporting suspicious persons or activities?

Yes

No

Symptoms of a Toxic Workplace

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Symptoms of a Toxic Workplace

- high rate of injuries**
- chronic labor / management disputes**
- understaffing / forced overtime**
- lack of job security**
- frequent grievances filed by employees**
- authoritarian or insensitive management approach**
- careless hiring procedures**
- management makes commitments it can't fulfill**
- unresolved corporate problems**
- preferential treatment for some employees**
- employees regularly treated as "cogs in a wheel"**
- unclear job descriptions, goals and expectations**
- rules and discipline are applied inconsistently**
- inadequate security for employees who interact with the public**
- downsizing without adequate outplacement counseling**
- lack of harmony between departments**
- ineffective grievance procedures**
- dishonest or misleading communications**
- high-stress work environment**

WORKPLACE VIOLENCE

(HRH Northern New England)

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WORKPLACE VIOLENCE (HRH Northern New England)

POLICY

To promote a safe work environment for all employees, HRH Northern New England prohibits any acts or threats of violence directed at any other employee, customer, vendor, visitor, HRH or HRH property. Any employee who is made aware of or observes any credible act or threat of violence at the workplace should report it immediately to their supervisor or department manager, who will notify Human Resources. The Company will respond to such reports and deal with the situations, as it deems appropriate in accordance with the following procedures.

I. DEFINITIONS

- A. Violence, for the purpose of these procedures, exists when an HRH employee is involved or affected in any way by a credible act of direct or indirect aggression. It may:
- be directed toward employees, customers, visitors, vendors, HRH or HRH property.
 - come from a family member, acquaintance, co-worker, customer or stranger.
 - be communicated in person, in writing, by telephone, computer or other electronic means.
- B. Threat, for the purpose of these procedures, exists when any credible reference is made to violence as defined above and shall be responded to accordingly.

II. RESPONSES (as appropriate under the circumstances, in the judgment of the person responding)

- A. Employees who become aware of a threat or act of violence that may involve the workplace in any way should notify a supervisor immediately.
- B. Supervisors / Managers who become aware of a threat or act of violence that may involve the workplace in any way should follow the procedures outlined in Section V.

III. WARNING SIGNS OF POTENTIAL WORKPLACE VIOLENCE

- A. Threatening statements to kill or do harm to self or others
- Verbal threats
 - stated intention to kill or hurt someone
 - repeated threatening statements/constant swearing at others
 - statements like "I understand why the guy did what he did at the post office"
 - talk about harming self or others, with detailed threats
 - References to other incidents of workplace violence
- B. Intimidating behavior
- Intimidating co-workers or supervisors; reports from co-workers about fear of the employee
 - Being confrontational; appearing angry, easily provoked, impulsive, unpredictable, restless, agitated
 - Acting belligerently toward customers
- C. History of violent, reckless, antisocial behavior
- Evidence of prior assault behavior (i.e. spousal abuse or military misconduct)
- D. Alleged fondness for firearms
- E. Recent marked performance decline

- F. Changes in personality
 - Withdrawal
 - Sudden and dramatic changes in behavior (i.e. increasing anger and agitation)
 - Major changes in interpersonal relations
- G. Obsessions
 - Preoccupation with a notoriously violent incident
 - Obsession with weapons, including owning a gun or gun collection, fascination with weapons.
- H. Serious stress in the employees personal life
- I. Substance abuse (drugs or alcohol)

IV. PRACTICAL WAYS TO DEFUSE VIOLENCE

- A. Effective Techniques
 - Make eye contact
 - Stop what you are doing and give that person your attention
 - Speak in a calm voice and create a relaxed environment
 - Have goals of building trust and strengthening the relationship
 - Be open and honest
 - Let the person have his or her say
 - Listen attentively
 - Ask for specific examples of what the person is saying
 - Ask open-ended questions and explore all sides of an issue by offering clarifying feedback to ensure that you understand
- B. Effective Questions
 - Tell me about it.
 - How is it that you feel the way you do?
 - What do you think the real problem is?
 - What would you like to see happen?
 - Anything else?
 - Give me an example.
 - Tell me more.
- C. Effective Strategy

The aim is to eventually let the person calm him or herself down and start focusing on facts, not opinions or personality dynamics. This process will allow you to defuse the situation, calm the person, and increase intellectual control over an initial emotional reaction.

In addition to having a strategy to deal with and defuse an employee's anger, you should address the factors that may foster violence, including dehumanization and a sense of injustice.

V. PROCEDURES

A. Potential / Non-Imminent Situation

Employees that become aware of non-emergency situations that could threaten workplace safety should notify management.

Management of the Affected Department will:

- Assist in the threat assessment.
- Call Human Resources and Law Enforcement (if necessary).
- Notify the other employees and customers in the area.
- Relocate the targeted employee to another area or facility.
- Arrange to close and lock doors.
- Account for all personnel when it is safe to do so.
- Arrange for additional personnel during and after the incident.

Human Resources will:

- Conduct an investigation of the incident.
- Participate in the threat assessment.
- Maintain a liaison with law enforcement.
- Plan for post-trauma care for affected employees and family members.
- Monitor the situation until it is resolved.

If an employee becomes aware of an incident and doesn't wish to become involved, they may anonymously write or call Human Resources c/o Phillips Sargent, PO Box 40, Auburn, ME 04212-0040.

B. Imminent / In Progress Situation

If a threat appears to be real and imminent, or is actually in progress, a manager or supervisor should:

- Call the police. Give them all pertinent data that may be useful in apprehending the suspect(s).
- Notify the other employees to leave the facility immediately, if possible. If not, advise them to lock themselves in their office or take immediate cover behind file cabinets or other heavy, impenetrable furniture.
- If it is believed that a suspect is coming to a site to harm an employee and there is time...take the employee to another facility or a police station.
- Close and lock doors if it is determined that a suspect will be arriving with a weapon or in an aggravated state. If time permits, evacuate the facility. (Have employees go to a safe place out of sight of the suspect).
- Account for all personnel when it is safe to do so.
- When these emergency procedures are completed, notify:

Human Resources, which will:

- Ensure that the police are en route and provided with information such as names, history of the event, if known, and layout of facility.
- Maintain a liaison with law enforcement.
- Make arrangements to protect the scene and provide post-incident security.

- ❑ Conduct a follow up investigation.
- ❑ Plan for post-trauma care for affected employees and family members.
- ❑ Assist in providing personnel coverage for the affected department.
- ❑ Contact Corporate Communications to prepare a media response if it appears the media will inquire about the incident. (The media generally reviews police logs.)

Unwanted Visitor Policy

In the event that the management staff determines that an individual may pose a potential nuisance or threat to the safety of any HRH staff or property, they will advise the attending receptionist that this individual is to not be allowed beyond the Reception area. If the individual comes into the office he/she should be asked to be seated there and wait.

If at all possible the receptionist will be provided with a physical description of the individual. All supervisors will be made aware of the unwanted visitor via e-mail.

The primary receptionist will receive this critical information and should e-mail all additional individuals who participate in managing the receptionist desk throughout the day. The notice should also be posted at the desk and the person who is being relieved should remind the next person who takes over.

Receptionist - What to do: *

The receptionist will monitor all visitors to the building. All visitors should be asked to wait in the reception area until they are accompanied by the employee whom they are visiting unless that employee has instructed the receptionist to let them come to their work station.

Should the receptionist determine that an identified unwanted visitor or someone else who is an undesirable visitor (based on appearance, behavior, alcohol smell, etc.) has entered he/she should take one of two courses of action. The choice of what to do will be at the receptionist's discretion based on the specific circumstances involved.

1. PAGE: Should an unwanted visitor arrive or a visitor already in the building become unruly, you will make an announcement over the paging system. The announcement will be "Will **Andy Rogal** please come to the reception desk?" This should prompt a member of management to assess the threat and determine an appropriate response (i.e. police notification). This page will also make all employees aware that there is a potential nuisance or threat in the building.

2. LEAVE AREA: If you feel there is imminent danger by remaining at your desk, tell the person you will get someone to help him/her and leave the reception area. Go to an office where the customer can't hear the conversation and call 911. Tell the police we have a potential threat or problem individual in our lobby and request immediate police assistance. Next, notify management of the situation and whom the individual came to see. Tell them the police have been called. Management will determine what course of action to take until the police arrive. Do not return to the reception area until after the police have arrived and the situation has been resolved.

*These approaches can also be used by any employee who may be meeting with a visitor should that visitor become unruly or threatening.

Legal Issues and Strategies for Employers

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LEGAL ISSUES AND STRATEGIES FOR EMPLOYERS

I. Overview

The issue of workplace violence has emerged as an important and recurring topic of concern for employers. In order to effectively deal with the issue, employers have generally utilized a multifaceted approach that includes the following:

1. Creation and implementation of policies prohibiting workplace violence and weapons in the workplace and on the employer's premises.
2. Training of employees on the prohibitions.
3. Training of supervisors and managers on recognizing potentially problem situations with employees and third parties.
4. Drafting and being prepared to follow a procedure on dealing with workplace violence incidents.
5. Organizing a team based approach to deal with the issue comprised of managers, medical personnel, human resources personnel or consultants, employee assistance personnel, public affairs personnel or consultants, security or risk management personnel, law enforcement personnel, and legal counsel.

II. OSHA

This type of approach is consistent both with common and sense an employer's duty to provide its employees and visitors with a safe workplace. With regard to the duty owed to employees, the federal Occupational Safety and Health Act imposes a general duty on employers as follows: "each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death

or serious physical harm to his employees." This provision arises from Section 5(a)(1) of the Act and is widely referred to as the "general duty clause".

The critical phrase in the law is the phrase "recognized hazards". For many employers, the threat of workplace violence may not be a "recognized hazard" and as a result, the initial tendency may be to not worry about it. Indeed, even if an act of violence occurred, it could easily be viewed as so random that would be exceptionally difficult to characterize the situation as constituting a recognized hazard. However, even those employers need to be cognizant that such a determination is a very fact specific inquiry. Given this situation, all employers would be prudent to undertake the steps that are necessary to deter and prevent violent conduct and weapons in the workplace.

On the other hand, there are industries and workplaces that are more susceptible to violence and where the risk of serious personal injury are significant enough that they would be considered "recognized hazards". In those instances, the general duty clause would certainly require the employer to take feasible steps to minimize those risks. If an employer fails to undertake those efforts, it could be cited by OSHA for having violated the general duty clause.

In an effort to educate the public about the issue of workplace violence, OSHA has created a separate web page (<http://www.osha.gov/SLTC/workplaceviolence/index.html>) containing a significant amount of resources that are relevant to the topic. In addition, OSHA has promulgated guidance on workplace violence issues in certain industries. In particular, OSHA has issued guidance for healthcare and social service workers, late night retail establishments, and taxi drivers. Links to the individual guidance can be found on OSHA's website at <http://www.osha.gov/SLTC/workplaceviolence/solutions.html>. Excerpts from both the health care guidance and the late night retail guidance are attached. Both of these documents

provide a significant amount of insight into the issue and can help shape an employer's plan or action regardless of the industry in which it may reside.

III. Legal Issues in the Event of an Incident - Employer Perspective

In addition to both the common sense and OSHA required obligation of providing a safe workplace, there are a variety of legal claims that an incident involving violence in the workplace could trigger. First from the perspective of the employer, if other employees or third parties are injured, and the perpetrator is an employee, the employer could be exposed to claims that it was negligent in hiring, retaining or supervising this employee. In addition, if management had failed to respond to warning signs of violent behavior and/or had not responded in an appropriate manner, it could be exposed to a claim of negligent training and/or negligence in general. In the latter regard, the legal term that is frequently referred to as pertaining to that type of claim is "premises liability".

It is equally important to note that while employees may be limited in their recovery to a workers' compensation claim (because it is a workplace injury), a third party would not be constrained by that process or its accompanying economic cap.

IV. Legal Issues Confronting an Employer in Formulating an Approach

Depending on whether the employee is employed in either the public or private sector will effect to some degree the range of freedom that an employer has in implementing its policies and taking certain types of actions. With that caveat aside, some general considerations will be discussed.

1. Policies: The employer should implement policies prohibiting violent conduct and weapons from the workplace. In the private sector, the weapons prohibition should reserve unto the employer the right to search desks, lockers, briefcases, bags, and cars on the premises

for prohibited articles. The definition of what constitutes an “employer’s premises” frequently arises. As a result, it would be advisable to specifically mention the parking lot, grounds and vehicles belonging to the employer as well as the building.

Whether or not the “right” to search is exercised will require the informed guidance of the employer’s attorney, but having the policy in place is critical. In some situations, there are legitimate concerns that the exercise of the right may constitute an invasion of the employee’s privacy. For that reason, any decision to search must be carefully considered. In addition, the policy begins to create a climate of zero tolerance for that type of conduct which, in turn, could deter an employee’s knee-jerk deviation from that policy in the future. Finally, the policy provides the basis on which to initiate a personnel action against the employee in the event of a violation in the future.

2. Union Contract: In the unionized environment, the collective bargaining agreement generally establishes the rights of both management and labor in the workplace. Inclusion of the above policies in this type of document is important. If there is no such provision in your existing collective bargaining agreement, you should consult with your Human Resources Consultant or attorney for guidance on dealing with these types of situation.

3. Disability Issues: Depending on the conduct that is exhibited by an employee, the employer’s response may need to be tempered with some consideration of whether the Americans With Disabilities Act may provide the employee with some type of protection. While that may certainly be true for some instances of borderline behavior, employers should also understand that even the ADA does not require that an employer accommodate violent or inappropriate conduct.

The ADA may also come into play if the employer exhibits conduct that the employer feels is significant enough to require a psychological fitness for duty examination. In those instances, consultation with the human resources personnel consultant or legal counsel is advisable.

4. Selection of a Course of Action. The decision on how best to respond to a situation will be always be determined based on the individual facts. However, it is advisable to have procedures in place to follow so that the “wheel” does not have to be invented when a situation arises.

V. Legal Issues from the Employee’s Perspective

The employee’s perspective consists of two parts: the problem employee and the co-workers. From the perspective of the co-workers, they want a workplace that is free from violence. The employee who is suspected of engaging in potentially violent behavior will have the following legal concerns:

1. Is his/her confidentiality being protected in this process?
2. Has he/she been placed on notice of management’s concerns?
3. Does he/she truly understand that his/her conduct is unacceptable?
4. Is he/she aware of the relevant company policies?
5. Are his/her rights under the employer’s policies and/or union contract being respected?
6. Should he/she be given a leave of absence as a reasonable accommodation if he/she is under stress? Is he/she entitled to FMLA leave?
7. Should he/she be referred to the EAP program?
8. Is he/she the real cause of the problem or is it coming from someone else?

9. Is he/she being treated the same as any other employee under the circumstances?
10. Are the employer's procedures being followed?

V. A Protective Approach

Each employer's approach should be tailored to the circumstances of the work environment. However, there are some generic themes that can be included, in particular when the situation involves an employee.

1. Counsel the employee on appropriate conduct and the parameters of the employer's policies.
2. Don't let the situation fester; deal with it.
3. Respond immediately to any threats or concerns from co-workers or others.
4. Assess any situation brought to management's attention.
5. If in doubt, get police assistance.
6. Plan for the worst if you suspect there could be a problem in a meeting with an employee. Be prepared by having discussed and planned for a violent response - including having the police present/available at the time of the meeting or afterward.
7. Consider modification of and implementation of new security measures/personnel for the building (even if only on a short term basis).

When a third party is the alleged perpetrator, additional steps may be taken such as sending the individual a letter informing him (or her) that he (or she) is no longer welcome on the premises. If that does not work, legal action can be initiated to restrain the individual from coming into the building. Needless to say, the same steps can be taken with a former employee. However, if those steps are necessary, additional security protections will almost certainly be advisable.



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Workplace Violence

Safety and Health Topics

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- OSHA Standards
- Hazard Awareness
- Possible Solutions
- Additional Information
- Credits

In Focus
■ What's New

Violence in the workplace is a serious safety and health issue. Its most extreme form, homicide, is the third-leading cause of fatal occupational injury in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), there were 639 workplace homicides in 2001 in the United States, out of a total of 8,786 fatal work injuries.

Environmental conditions associated with workplace assaults have been identified and control strategies implemented in a number of work settings. OSHA has developed guidelines and recommendations to reduce worker exposures to this hazard but is not initiating rulemaking at this time. The following questions link to resources that provide useful safety and health information relevant to workplace violence.



What OSHA standards apply?

Federal Registers | Interpretations and Compliance Letters



Where can I learn more about workplace violence?

Hazard Awareness



Where can I find information about preventing workplace violence?

Possible Solutions



Where can I find additional information?

Training | Conference Proceedings

In Focus

What's New

- **Workplace Violence: Issues in Response.** Federal Bureau of Investigation (FBI) (2004, March 01). Also available as a 6.2 MB PDF, 80 pages. This monograph resulted from a June 2002 symposium hosted by the FBI's National Center for the Analysis of Violent Crime entitled "Violence in the Workplace." Representatives from law enforcement, private industry, government, law, labor, professional organizations, victim services, the military, academia, mental health as well as the FBI came together to share their expertise on this important issue.

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Workplace Violence Possible Solutions

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Health Topics

 Workplace
Violence


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The following references provide examples of possible solutions to violence in the workplace.

- [Workplace Violence](#). OSHA Fact Sheet (2002), 340 KB [PDF](#), 2 pages. This fact sheet provides basic information about vulnerable occupations, employer/employee roles in prevention and protection, and recommendations for response to violent incidents.
- [Hospital eTool: Workplace Violence](#). OSHA eTool, 10 pages. This eTool module includes recommendations for establishing a violence prevention program.
- [Teen Worker Safety in Restaurants eTool](#). OSHA eTool. The following sections provide young employees and their employers safety solutions for workplace violence in specific areas of a restaurant.
 - [Drive-thru](#)
 - [Serving](#)
- [Risk Factors and Protective Measures for Taxi and Livery Drivers](#). OSHA Facts (2000, May), 40 KB [PDF](#), 2 pages.
- [OSHA Recommends Protective Measures to Help Prevent Violence Against Taxi Drivers](#). OSHA National News Release (2000, May 9), 2 pages.
- [Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers](#). OSHA Publication 3148 (2003), 249 KB [PDF](#), 35 pages.
- [Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments](#). OSHA Publication 3153 (1998), 110 KB [PDF](#), 43 pages.
- [Department of Labor's Occupational Safety and Health Administration \(OSHA\) Issues Recommendations for Workplace Violence Prevention in Late-Night Retail Establishments](#). OSHA National News Release (1998, April 28), 4 pages.
- [Recommendations for Night Retail Workers](#). OSHA Press Conference speech by Charles N. Jeffress on Worker Memorial Day (1998, April 28), 3 pages. This speech provides common-sense recommendations to reduce workplace violence.
- [Keeping Your Workplace Safe](#). OSHA Brochure for small business owners, 551 KB [PDF](#), 6 pages.
- [Preventing Workplace Violence](#). Occupational Safety and Health State Plan Association (OSHSPA) (1999). This section of the Grassroots Worker Protection report highlights how state programs help to ensure safe and healthful workplaces.
- [New Directions from the Field: Victim's Rights and Services for the 21st Century, Business Community](#). U.S. Dept. of Justice, Chapter 12 of the New Directions report on crime victims (1998, August), 145 KB [PDF](#), 12 pages. This document deals with victims rights and services in the business environment, and contains a section on workplace violence and provides practical advice for the business community on assisting the victims of workplace violence.
- [Dealing with Workplace Violence: A Guide for Agency Planners](#). U.S. Office of Personnel Management (1998, April). This handbook is the result of a cooperative effort of many federal agencies sharing their expertise in preventing and dealing with workplace violence. It is intended to assist those who are responsible for establishing workplace violence initiatives at their agencies. PDF version is available in two forms: as [individual chapters](#), and as a single 1.78 MB [PDF](#).
- [Maintaining a Safe Workplace: Preventing and Responding to Disruptive,](#)

Threatening, or Violent Behavior. University of California - Davis (1999), 6 pages. This document presents information designed to highlight stresses and risks in the work environment, to enhance workplace safety, and to reduce and prevent disruption and violence.

- Violence in the Workplace: A Resource Guide. Registered Nurses' Association of Nova Scotia (RNANS) (1996, November), 255 KB PDF, 14 pages. This resource guide is intended to raise awareness among registered nurses of issues related to violence in the workplace.
- Preventing Workplace Violence - Table of Contents. American Federation of State, County and Municipal Employees (AFSCME) (1998). This resource addresses workplace violence and various ways to prevent and control it.

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Safety and Health Topics

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- Hazard Awareness
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The following references can help to increase awareness of violence in the workplace.

- Violence on the Job. National Institute for Occupational Safety and Health (NIOSH) Publication No. 2004-100 (2004), 1 page. This video discusses practical measures for identifying risk factors for violence at work, and taking strategic action to keep employees safe. It is based on extensive NIOSH research, supplemented with information from other authoritative sources.
- Fatal occupational injuries by event or exposure and major private industry division. U.S. Department of Labor, Bureau of Labor Statistics (2001), 20 KB PDF, 4 pages. This statistics report includes the category "Assaults and Violent Acts."
- Work-related Homicides: The Facts. DOL, Bureau of Labor Statistics (2000), 76 KB PDF, 6 pages. This link provides information on work-related homicides, including information about the perpetrators, demographics of the decedents, and other relevant facts about these events, such as the time of the incident, the location, and the type of establishment in which the homicide occurred.
- Workplace Violence Awareness & Prevention. OSHA and The Long Island Coalition for Workplace Violence Awareness and Prevention (1996, February). This link includes facts and figures about workplace violence, elements of a workplace violence prevention program, and a sample program.
- Violence in the Workplace: Oregon, 1991-1995. Oregon Department of Consumer and Business Services (1996, December), 66 KB PDF, 11 pages. This link provides a study of Workers' Compensation Claims Caused by Violent Acts, 1991 to 1995.
- Cal/OSHA Guidelines for Workplace Security. State of California (1995, March 30), 20 pages. These guidelines are designed to provide information and guidance about workplace security issues to California employers and employees as well as to Cal/OSHA personnel.
- Workplace Violence Prevention Resources. Minnesota Department of Labor & Industry.
 - A Comprehensive Guide for Employers and Employees. This manual has been developed by Minnesota OSHA to address the issue of violence for employers and employees in the workplace.
- Violence: Occupational Hazards in Hospitals. National Institute for Occupational Safety and Health (NIOSH), DHHS Publication No. 2002-101, (2002, April), 9 pages. This brochure's purpose is to increase worker and employer awareness of the risk factors for violence in hospitals and to provide strategies for reducing exposure to these factors.
- Stress at Work. National Institute for Occupational Safety and Health (NIOSH), DHHS Publication No. 99-101 (1999), 18 pages. This booklet highlights knowledge about the causes of stress at work and outlines steps that can be taken to prevent job stress.
- Violence in the Workplace. National Institute for Occupational Safety and Health (NIOSH) Fact Sheet (1997, June), 2 pages. This fact sheet provides basic information on workplace violence including risk factors and prevention strategies.
- Violence in the Workplace – Risk Factors and Prevention Strategies. National Institute for Occupational Safety and Health (NIOSH), DHHS Current Intelligence Bulletin 57 (1996, July). The purpose of this document is to review what is known about fatal and nonfatal violence in the workplace to determine the focus needed for prevention and research efforts.
- Preventing Homicide in the Workplace. National Institute for Occupational Safety and Health (NIOSH), DHHS Publication No. 93-109 (1995, May), 7 pages. The purposes of this alert are to: identify high-risk occupations and workplaces, inform employers and

workers about their risk, encourage employers and workers to evaluate risk factors in their workplaces and implement protective measures, and encourage researchers to gather more detailed information about occupational homicide and to develop and evaluate protective measures.

- *Homicide in U.S. Workplaces: A Strategy for Prevention and Research*. National Institute for Occupational Safety and Health (NIOSH), DHHS Publication No. 92-103 (1992, September), 435 KB PDF, 13 pages. This document is designed to serve as a foundation for the development of a national strategy for use in prioritizing research and targeting interventions to prevent work-related homicides.
- Violence in the Workplace 1993-99. U.S. Dept. of Justice (2001). This page presents data for 1993 through 1999 from the National Crime Victimization Survey estimating the extent of workplace crime in the United States.
- Breaking Point: Violence in the Workplace. Broderick, R. (1995, July). Update, A publication of the University of Minnesota, Vol. 22, No. 3, pp. 1-3. This article relates a violent incident that occurred on a college campus, involving a disgruntled former employee; it also discusses the incident in the general context of workplace violence.
- Workplace Violence: Can You Close the Door On It? American Nurses Association (1994), 4 pages. This brochure is intended to heighten awareness regarding workplace violence and to recommend steps to prevent it.
- Most Workplace Violence on Women Hidden, Says Center Report. University of Albany, Center for Women in Government, 2 pages. This article summarizes and comments on a report addressing workplace violence, emphasizing data specific to women.

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Training

- [Workplace Violence Course](#). OSHA Office of Training and Education. This course is designed for the general public to provide basic concepts to address workplace violence.
- [Workplace Violence Training and Reference Materials](#). OSHA Office of Training and Education. This page contains links to a variety of training material, including presentations, publications, and handouts
- [Workplace Violence - Health Care and Social Service Workers](#). OSHA Office of Training and Education. 47 color slides which provide an overview of the Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers.
- [Workplace Violence - Late-Night Retail](#). OSHA Office of Training and Education. These 30 color slides provide an overview of the Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments.
- [Developing an Effective Violence Prevention Program](#). Oregon OSHA Online Course 120. This course will help you understand the importance of protecting employees from potential/actual violent acts in the workplace. It will also assist in developing an effective violence prevention program for your company.
- [Institutionalized Violence: When Does Care Giving Become Submission to Violence? Work Related Risks for Health Care Providers](#). University of Minnesota, Humphrey Institute of Public Affairs, Center on Women and Public Policy (2001), 23 pages. This case study allows for discussion of sexual harassment as an occupational health and safety issue and supports exploration of employer liability for harassment committed by developmentally disabled adults in care. It includes an abstract, case study, epilogue and teaching notes.

Conference Proceedings

- [Tri-national Conference on Violence as a Workplace Risk](#). Department of Labor (DOL), North American Agreement on Labor Cooperation (NAALC) (2001, November 29-30), 30 pages. The purpose of the event was to raise awareness of the issue of psychological and physical violence in North American workplaces, and to provide practical solutions by sharing information, highlighting best practices and identifying successful methods of prevention.
- [Workplace Violence: A Report to the Nation](#). The University of Iowa Injury Prevention Research Center (2001, February), 331 KB PDF, 16 pages. This report summarizes the problem of workplace violence and the recommendations identified by participants at the Workplace Violence Intervention Research Workshop in Washington, D.C., April, 2000.

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



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1998

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Background

Workplace violence is a serious safety and health hazard in many workplaces. According to the Bureau of Labor Statistics, homicide is the second leading cause of death to American workers, claiming the lives of 912 workers in 1996 and accounting for 15 percent of the 6,112 fatal work injuries in the United States (BLS, 1997). Violent incidents at work also resulted in 20,438 lost work-day cases in 1994 (BLS, 1996).

The Department of Justice's National Crime Victimization Survey reported that from 1987 to 1992 almost 1 million persons annually were victims of violent crime at work (Bachman, 1994). These data include four categories: 615,160 simple assaults; 264,174 aggravated assaults; 79,109 robberies; and 13,068 rapes. These victimizations resulted in an estimated 159,000 injuries annually. Violence inflicted upon employees may come from many sources, including customers, robbers, muggers and co-workers.

Although workplace violence may appear to be random, many incidents can be anticipated and avoided. Even where a potentially violent incident occurs, a timely and appropriate response can prevent the situation from escalating and resulting in injury or death. OSHA believes that all late-night retail establishments can benefit from an examination of their workplaces to determine if workplace violence is a potential hazard for their employees.

OSHA has developed this document for use in the late-night retail industry, especially for convenience stores, liquor stores, and gasoline stations. Other types of retail establishments providing services during evening and night hours also may find this information helpful. This document will help retail employers design, select, and implement prevention programs based on the specific risk factors they identify in their particular workplaces.

High-Risk Establishments

From 1980 to 1992, the overall rate of homicide was 1.6 per 100,000 workers per year in the retail industry, compared with a national average of 0.70 per 100,000 workers (NIOSH, 1996). Job-related homicides in retail trade accounted for 48 percent of all workplace homicides in 1996 (BLS, 1997). The wide diversity within the retail industry results in substantial variation in levels of risk of violence. Homicides in convenience and other grocery stores, eating and drinking places, and gasoline service stations constituted the largest share of homicides in retail establishments (BLS, 1997). From 1990 to 1992, the highest annual homicide risks among retail industries were as follows:

- Liquor stores: 7.5 per 100,000 workers
- Gasoline service stations: 4.8 per 100,000
- Jewelry stores: 4.7 per 100,000
- Grocery stores (including convenience stores): 3.8 per 100,000
- Eating and drinking places: 1.5 per 100,000 (NIOSH, 1996).

The retail sector accounted for 21 percent of non-fatal assaults in 1992, second only to the general services sector. Within that 21 percent, grocery stores experienced 6 percent of assaults, eating and drinking places had 5 percent, and other general retail establishments had 10 percent (NIOSH, 1996).

High-Risk Occupations

Workers in many occupations in the retail sector face an above-average risk of violence. Even if an establishment is classified in a segment of the industry with a relatively low incidence of reported workplace violence, employees in certain occupations may have an elevated risk of being victimized. During 1990-1992, the average risk of homicides for all occupations was 0.7 per 100,000 employees per year. The retail occupations at highest risk for homicide during this period are as follows :

- Gasoline service and garage workers: 5.9 per 100,000
- Stock handlers and baggers: 3.5 per 100,000
- Sales supervisors and proprietors: 3.3 per 100,000
- Salescounter clerks: 3.1 per 100,000 (NIOSH, 1996).

Overview

Elements of an Effective Violence Prevention Program

In January 1989, OSHA published voluntary, generic safety and health program management guidelines that all employers can use as a foundation for their safety and health programs.¹ The violence prevention information presented in this document builds on those guidelines by identifying common risk factors for workplace violence and describing some prevention measures for the late-night retail industry.

¹ OSHA's *Safety and Health Program Management Guidelines*, Fed Reg 54:3904-3916, January 26, 1989.

The goal of this document is to encourage employers to implement programs to identify the potential risks of workplace violence and implement corrective measures. These recommendations are not a “model program” or a rigid package of violence prevention steps uniformly applicable to all establishments. Indeed, no single strategy is appropriate for all businesses. Environmental and other risk factors for workplace violence differ widely among workplaces. Employers may use a combination of strategies recommended in this document, as appropriate, for their particular workplace.

These recommendations consist of the basic elements from which an employer can construct a violence prevention program tailored to meet the specific needs of his workplace. An effective approach to preventing workplace violence includes five key components: (1) management commitment and employee involvement, (2) worksite analysis, (3) hazard prevention and control, (4) safety and health training, and (5) evaluation. Using these basic elements, an employer can fashion prevention plans that are appropriate for his/her establishment, based upon the hazards and circumstances of the particular situation.

OSHA encourages employers to develop a written program for workplace violence prevention. A written statement of policy serves as a touchstone for the many separate plans, procedures, and actions required for an effective prevention program. The extent to which the components of the program are in writing, however, is less important than how effective the program is in practice. In smaller establishments, a program can be effective without being heavily documented. As the size of a workplace or the complexity of hazard control increases, written guidance becomes more important as a way to ensure clear communication and consistent application of policies and procedures. An employer could create a separate workplace violence prevention program or incorporate this information into an existing accident prevention program, employee handbook, or manual of standard operating procedures.

Employers’ Duties and Workplace Violence

These recommendations are **not** a new standard or regulation and do not create any new OSHA duties. Under the *Occupational Safety and Health Act of 1970* (the *OSH Act*, or the *Act*), the extent of an employer’s obligation to address workplace violence is governed by the General Duty Clause.² The fact that a measure is

recommended in this document but not adopted by an employer is not evidence of a violation of the General Duty Clause. The recommendations provide information about possible workplace violence prevention strategies. They describe a variety of tools that may be useful to employers designing a violence prevention program.

In addition, when Congress passed the *OSH Act*, 29 U.S.C. §651 *et seq.*, it stated categorically its intent that the Act was not intended to change remedies available at the state level for workplace injuries, illnesses, or deaths. Section 4(b)(4) states: “*Nothing in this chapter shall be construed to supersede or in any manner affect any workmen’s compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases or death of employees arising out of, or in the course of, employment.*”³ (Emphasis added).

Therefore, these recommendations are not intended to establish a legal standard of care with respect to workplace violence. Accordingly, these recommendations do not impose, and are not intended to result in, the imposition of any new legal obligations or constraints on employers or the states.

Management Commitment and Employee Involvement

Management Commitment

Management provides the motivation and resources to deal effectively with workplace violence. The visible commitment of management to worker safety and health is an essential precondition for its success. Management can demonstrate its commitment to violence prevention through the following actions:

- Create and disseminate a policy to managers and employees that expressly disapproves of workplace violence, verbal and nonverbal threats, and related actions.
- Take all violent and threatening incidents seriously, investigate them, and take appropriate corrective action.
- Outline a comprehensive plan for maintaining security in the workplace.
- Assign responsibility and authority for the program to individuals or teams with appropriate training and skills. This means ensuring that all managers and employees understand their obligations.

² Section 5(a)(1) of the *OSH Act*, or P.L. 91-596, is called the “General Duty Clause,” and provides that: “Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.” 29 U.S.C. 654(a)(1).

³ 29 U.S.C. 653(b)(4).

- Provide necessary authority and resources for staff to carry out violence prevention responsibilities.
- Hold managers and employees accountable for their performance. Stating expectations means little if management does not track performance, reward it when competent, and correct it when it is not.
- Take appropriate action to ensure that managers and employees follow the administrative controls or work practices.
- Institute procedures for prompt reporting and tracking of violent incidents that occur in and near the establishment.
- Encourage employees to suggest ways to reduce risks, and implement appropriate recommendations from employees and others.
- Ensure that employees who report or experience workplace violence are not punished or otherwise suffer discrimination.⁴
- Work constructively with other parties such as landlords, lessees, local police, and other public safety agencies to improve the security of the premises.

Employee Involvement

Management commitment and employee involvement are complementary elements of an effective safety and health program. To ensure an effective program, management, front-line employees, and employee representatives need to work together in the structure and operation of their violence prevention program.

Employee involvement is important for several reasons. First, front-line employees are an important source of information about the operations of the business and the environment in which the business operates. This may be particularly true for employees working at night in retail establishments when higher level managers may not routinely be on duty. Second, inclusion of a broad range of employees in the violence prevention program has the advantage of harnessing a wider range of experience and insight than that of management alone. Third, front-line workers can be very valuable problem solvers, as their personal experience often enables them to identify practical solutions to problems and to perceive hidden impediments to proposed changes. Finally, employees who have a role in developing prevention programs are more likely to support and carry out those programs.

⁴Section 11 (c)(1) of the *OSH Act* provides: "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act." 29 U.S.C. 660(c).

Methods for cooperation between employees and management can vary. Some employers could choose to deal with employees one-on-one or assign program duties to specific employees. Other employers may elect to use a team or committee approach. The National Labor Relations Act may limit the form and structure of employee involvement.⁵ Employers should seek legal counsel if they are unsure of their legal obligations and constraints.

Employees and employee representatives can be usefully involved in nearly every aspect of a violence prevention program. Their involvement may include the following:

- Participate in surveys and offer suggestions about safety and security issues.
- Participate in developing and revising procedures to minimize the risk of violence in daily business operations.
- Assist in the security analysis of the establishment.
- Participate in performing routine security inspections of the establishment.
- Participate in the evaluation of prevention and control measures.
- Participate in training current and new employees.
- Share on-the-job experiences to help other employees recognize and respond to escalating agitation, assaultive behavior, or criminal intent, and discuss appropriate responses.

Worksite Analysis

Common Risk Factors in Retail Establishments

The National Institute for Occupational Safety and Health (NIOSH) has identified a number of factors that may increase a worker's risk for workplace assault. Those pertaining to late-night retail include:

- Contact with the public.
- Exchange of money.
- Delivery of passengers, goods, or services.
- Working alone or in small numbers.
- Working late night or early morning hours.
- Working in high-crime areas (NIOSH, 1996).

⁵29 U.S.C. 158(a)(2).

Employees in some retail establishments may be exposed to multiple risk factors. The presence of a single risk factor does not necessarily indicate that the risk of violence is a problem in a workplace. The presence, however, of multiple risk factors or a history of workplace violence should alert an employer that the potential for workplace violence is increased.

Research indicates that the greatest risk of work-related homicide comes from violence inflicted by third parties such as robbers and muggers. Robbery and other crimes were the motive in 80 percent of workplace homicides across all industries in 1996 (BLS, 1996). A large proportion of the homicides occurring in the retail sector are associated with robberies and attempted robberies (Amandus, 1997). On average, one in 100 gun robberies results in a homicide (Bellamy, 1996). For this reason, effective programs that reduce the number of robberies should result in a decrease in the number of homicides (Erickson, 1996).

Sexual assault is another significant occupational risk in the retail industry. Indeed, the risk of sexual assault for women is equal to or greater than the risk of homicide for employees in general. Sexual assault is usually not robbery-related, but may occur more often in stores with a history of robbery. These assaults occur disproportionately at night and involve a female clerk alone in a store in the great majority of cases (Seligman, et al., 1987; Erickson, 1991; Alexander, Franklin, and Wolf, 1994). The risk factors for robbery and sexual assault overlap (e.g., working alone, late at night, in high-crime areas), so actions to reduce robbery also may be effective for preventing sexual assaults.

Several studies have examined risk factors for robbery in retail establishments. In a 1975 study, researchers interviewed ex-convicts to determine which stores were most "attractive" to robbers (Crow and Bull, 1975). The stores that were most attractive had large

amounts of cash on hand, an obstructed view of counters, poor outdoor lighting, and easy escape routes. Subsequent studies have confirmed that robbers do not choose targets randomly but, instead, consider environmental factors (Southland Corporation, Athena Research Corporation, 1985, 1990, and 1995; Jeffery, Hunter, and Griswold, 1987). Risk factors for robbery include easy access or escape, and low risk of recognition or detection of robbers (such as lack of cameras, lack of customers or nearby businesses, and poor visibility from outside the store) (Scott, Crow and Erickson, 1985; Swanson, 1986; Hunter, 1990; Erickson, 1995). Studies also have identified working alone,⁶ lack of police or armed guards, and a large amount of money on hand as risk factors for robbery (Scott, Crow and Erickson, 1985; Swanson, 1986; Erickson, 1995).

The time of day also affects the likelihood of robbery. Studies have consistently found that retail businesses face an elevated risk of robbery during the nighttime hours.⁷ Retail robberies occur in the late evening and early morning hours more often than during daylight hours because it is dark and fewer people are on the streets (Bellamy, 1996). Risks at night may vary by the number of neighboring businesses open late, the amount of traffic and the level of lighting (among other factors). While the risk of robbery is greater at night, the risks during the daytime may also be significant, and also vary based on such factors as the amount of traffic and visibility.

Workplace Hazard Analysis

A worksite hazard analysis involves a step-by-step, common-sense look at the workplace to find existing and potential hazards for workplace violence. This entails the following steps: (1) review records and past experiences, (2) conduct an initial worksite inspection and analysis, and (3) perform periodic safety audits.

Because the hazard analysis is the foundation for the violence prevention program, it is important to select carefully the person(s) who will perform this step. The employer can delegate the responsibility to one person or a team of employees. If a large employer uses a team approach, it may wish to draw the team members from different parts of the enterprise, such as representatives from senior management, operations, employee assistance, security, occupational safety and health, legal, human resources staff, and employees or union representatives. Small establishments might assign the responsibility to a single staff member or a consultant.

Review of Records and Past Incidents

As a starting point for the hazard analysis, the employer would review the experience of the business over the previous 2 or 3 years. This involves collecting and examining any existing records that may shed light on the

⁶A number of studies have found a statistically significant association between the use of multiple clerks and a reduced risk of robbery (Swanson, 1986; Jeffery, 1987; Hunter, 1988; Hunter, 1990; Calder, 1992; Figlio, 1992 (association between multiple clerks and reduced robbery at previously robbed stores)). In Gainesville, Florida, the only chain that employed two clerks round-the-clock was never robbed during a period of the study, while 95 percent of convenience stores adjacent to its franchises were robbed (Bellamy, 1996). These studies are not conclusive, but they suggest that use of more than one clerk is a deterrent to robbery.

No study has found that use of more than one clerk increases or decreases the risk of injury. A recent study reported that, assuming the occurrence of a robbery, an employee's risk of injury and severe injury was essentially the same in single and multiple-employee stores (Amandus, et al., 1997).

⁷Erickson, 1995, found that 65 percent of all robberies of convenience stores occurred in the hours between 11:00 p.m. to 6:00 a.m.; Kraus, et. al., 1995, found that 65 percent occurred from 9:00 p.m. to 3:00 a.m.; and a report by the State of Virginia, 1993, found that 69 percent took place between 9:00 p.m. to 5:00 a.m.

magnitude and prevalence of the risk of workplace violence. For example, injury and illness records, workers' compensation claims, and police department robbery reports can help identify specific incidents related to workplace violence. Finding few documented cases of workplace violence does not necessarily mean that violence is not a problem in a workplace, because incidents may be unreported or inconsistently documented. In some cases, management may not be aware of incidents of low-intensity conflict or threats of violence to which their employees have been exposed. To learn of such incidents, the employer could canvass employees about their experience while working for the business. The following questions may be helpful in compiling information about past incidents:

- Has your business been robbed during the last 2-3 years? Were robberies attempted? Did injuries occur due to robberies or attempts?
- Have employees been assaulted in altercations with customers?
- Have employees been victimized by other criminal acts at work (including shoplifting that became assaultive)? What kind?
- Have employees been threatened or harassed while on duty? What was the context of those incidents?
- In each of the cases with injuries, how serious were the injuries?
- In each case, was a firearm involved? Was a firearm discharged? Was the threat of a firearm used? Were other weapons used?
- What part of the business was the target of the robbery or other violent incident?
- At what time of day did the robbery or other incident occur?
- How many employees were on duty?
- Were the police called to your establishment in response to the incident? When possible, obtain reports of the police investigation.
- What tasks were the employees performing at the time of the robbery or other incident? What processes and procedures may have put employees at risk of assault? Similarly, were there factors that may have facilitated an outcome without injury or harm?
- Were preventive measures already in place and used correctly?
- What were the actions of the victim during the incident? Did these actions affect the outcome of the incident in any way?

Employers with more than one store or business location could review the history of violence at each operation. Different experiences in those stores can provide insights into factors that can make workplace

violence more or less likely. Contacting similar local businesses, community and civic groups and local police departments is another way to learn about workplace violence incidents in the area. In addition, trade associations and industry groups often provide useful information about conditions and trends in the industry as a whole.

Workplace Security Analysis

The team or coordinator could conduct a thorough initial risk assessment to identify hazards, conditions, operations, and situations that could lead to violence. The initial risk assessment includes a walkthrough survey to provide the data for risk identification and the development of a comprehensive workplace violence prevention program. The assessment process includes the following:

- Analyze incidents, including the characteristics of assailants and victims. Give an account of what happened before and during the incident, and note the relevant details of the situation and its outcome.
- Identify any apparent trends in injuries or incidents relating to a particular worksite, job title, activity, or time of day or week. The team or coordinator should identify specific tasks that may be associated with increased risk.
- Identify factors that may make the risk of violence more likely, such as physical features of the building and environment, lighting deficiencies, lack of telephones and other communication devices, areas of unsecured access, and areas with known security problems.
- Evaluate the effectiveness of existing security measures. Assess whether those control measures are being properly used and whether employees have been adequately trained in their use.

Appendix A contains a sample checklist that illustrates a number of questions that may be helpful for the security analysis. Trade associations and other organizations also have materials that can help employers assess the risk of violent incidents in their business. In some areas, local law enforcement agencies provide free advice to business owners on ways to reduce exposure to crime. Security management consultants, insurance safety auditors, and loss-prevention specialists also can help employers analyze workplace risks and offer advice for solutions. Independent experts such as these can provide fresh perspectives on implementing and improving a violence prevention program.

Periodic Safety Audits

Hazard analysis is an ongoing process. A good violence prevention program will institute a system of

periodic safety audits to review workplace hazards and the effectiveness of the control measures that have been implemented. These audits also can evaluate the impact of other operational changes (such as new store hours, or changes in store layout) that were adopted for other reasons but may affect the risk of workplace violence. A safety audit is important in the aftermath of a violent incident or other serious event for reassessing the effectiveness of the violence prevention program.

Hazard Prevention and Control

Prevention Strategies

After assessing violence hazards, the next step is to develop measures to protect employees from the identified risks of injury and violent acts. Workplace violence prevention and control programs include specific engineering and work practice controls to address identified hazards. The tools listed in this section are not intended to be a “one-size-fits-all” prescription. No single control will protect employees. To provide effective deterrents to violence, the employer may wish to use a combination of controls in relation to the hazards identified through the hazard analysis.

Since the major risk of death or serious injury to retail employees is from robbery-related violence, an effective program would include, but not be limited to, steps to reduce the risk of robbery. In general, a business may reduce the risk of robbery by *increasing the effort* that the perpetrator must expend (target hardening, controlling access, and deterring offenders); *increasing the risks* to the perpetrator (entry/exit screening, formal surveillance, surveillance by employees and others); and *reducing the rewards* to the perpetrator (removing the target, identifying property, and removing inducements).⁸

Physical and behavioral changes at a site can substantially reduce the frequency of robberies. A test group of 7-Eleven stores that eliminated or reduced several risk factors experienced a 30-percent drop in robberies compared to a control group. Target-hardening efforts, including a basic robbery deterrence package, were implemented in 7-Eleven stores nationwide in 1976. The 7-Eleven program tried to make the store a less attractive target by reducing the cash on hand, maximizing the take/risk ratio, and training employees. After implementing the program throughout the company, the robbery rate at 7-Eleven stores decreased by

64 percent over 20 years.⁹

The National Association of Convenience Stores (NACS) developed a robbery and violence deterrence program based on these elements and has made it available to its members and others since 1987. NACS also has supported research in these areas.

Other deterrents that may reduce the potential for robbery include making sure that there are security cameras, time-release safes, other 24-hour business at the location, no easy escape routes or hiding places, and that the store is closed during late night hours.

Engineering Controls and Workplace Adaptation

Engineering controls remove the hazard from the workplace or create a barrier between the worker and the hazard. The following physical changes in the workplace can help reduce violence-related risks or hazards in retail establishments:

- *Improve visibility* as visibility is important in preventing robbery in two respects: First, employees should be able see their surroundings, and second, persons outside the store, including police on patrol, should be able to see into the store. Employees in the store should have an unobstructed view of the street, clear of shrubbery, trees or any form of clutter that a criminal could use to hide. Signs located in windows should be either low or high to allow good visibility into the store. The customer service and cash register areas should be visible from outside the establishment. Shelves should be low enough to assure good visibility throughout the store. Convex mirrors, two-way mirrors, and an elevated vantage point can give employees a more complete view of their surroundings.
- *Maintain adequate lighting* within and outside the establishment to make the store less appealing to a potential robber by making detection more likely. The parking area and the approach to the retail establishment should be well lit during nighttime hours of operation. Exterior illumination may need upgrading in order to allow employees to see what is occurring outside the store.
- *Use fences* and other structures to direct the flow of customer traffic to areas of greater visibility.
- *Use drop safes* to limit the availability of cash to robbers. Employers using drop safes can post signs stating that the amount of cash on hand is limited.
- *Install video surveillance equipment* and closed circuit TV (CCTV) to deter robberies by increasing the risk of identification. This may include interactive

⁸The theoretical concepts for this approach include “situational crime prevention” (Clarke, 1983), and “crime prevention through environmental design” (CPTED) (Hunter and Jeffery, 1991).

⁹Comments submitted to OSHA by the Southland Corporation, 1996.

video equipment. The video recorder for the CCTV should be secure and out of sight. Posting signs that surveillance equipment is in use and placing the equipment near the cash register may increase the effectiveness of the deterrence.

- *Put height markers on exit doors* to help witnesses provide more complete descriptions of assailants.
- *Use door detectors* to alert employees when persons enter the store.
- *Control access* to the store with door buzzers.
- *Use silent and personal alarms* to notify police or management in the event of a problem. To avoid angering a robber, however, an employee may need to wait until the assailant has left before triggering an alarm.
- *Install physical barriers* such as bullet-resistant enclosures with pass-through windows between customers and employees to protect employees from assaults and weapons in locations with a history of robberies or assaults and located in high-crime areas.

Administrative and Work Practice Controls

Administrative and work practice controls affect the way employees perform jobs or specific tasks. The following examples illustrate work practices and administrative procedures that can help prevent incidents of workplace violence:

- *Integrate violence prevention activities* into daily procedures, such as checking lighting, locks, and security cameras, to help maintain worksite readiness.
- *Keep a minimal amount of cash* in each register (e.g., \$50 or less), especially during evening and late-night hours of operation. In some businesses, transactions with large bills (over \$20) can be prohibited. In situations where this is not practical because of frequent transactions in excess of \$20, cash levels should be as low as is practical. Employees should not carry business receipts on their person unless it is absolutely necessary.
- *Adopt proper emergency procedures* for employees to use in case of a robbery or security breach.
- *Establish systems of communication* in the event of emergencies. Employees should have access to working telephones in each work area, and emergency telephone numbers should be posted by the phones.
- *Adopt procedures for the correct use of physical barriers*, such as enclosures and pass-through windows.

- *Increase staffing levels* at night at stores with a history of robbery or assaults and located in high-crime areas. It is important that clerks be clearly visible to patrons.¹⁰
- *Lock doors* used for deliveries and disposal of garbage when not in use. Also, do not unlock delivery doors until the delivery person identifies himself or herself. Take care not to block emergency exits—doors must open from the inside without a key to allow persons to exit in case of fire or other emergency.
- *Establish rules* to ensure that employees can walk to garbage areas and outdoor freezers or refrigerators without increasing their risk of assault. The key is for employees to have good visibility, thereby eliminating potential hiding places for assailants near these areas. In some locations, taking trash out or going to outside freezers during daylight may be safer than doing so at night.
- *Keep doors locked before business* officially opens and after closing time. Establish procedures to assure the security of employees who open and close the business, when staffing levels may be low. In addition, the day's business receipts may be a prime robbery target at store closing.
- *Limit or restrict areas of customer access*, reduce the hours of operation, or close portions of the store to limit risk.
- *Adopt safety procedures and policies for off-site work*, such as deliveries.

Administrative controls are effective only if they are followed and used properly. Regular monitoring helps ensure that employees continue to use proper work practices. Giving periodic, constructive feedback to employees helps to ensure that they understand these procedures and their importance.

Post-Incident Response

Post-incident response and evaluation are important parts of an effective violence prevention program. This involves developing standard operating procedures for management and employees to follow in the aftermath of a violent incident. Such procedures may include the following:

- Assure that injured employees receive prompt and appropriate medical care. This includes providing transportation of the injured to medical care. Prompt first-aid and emergency medical treatment can minimize the harmful consequences of a violent incident.

¹⁰It may not, in all cases, be feasible to have more than one clerk. In those instances, the employer may wish to give extra consideration to additional engineering controls identified in the previous section.

- Report the incident to the police.
- Notify other authorities, as required by applicable laws and regulations.¹¹
- Inform management about the incident.
- Secure the premises to safeguard evidence and reduce distractions during the post-incident response process.
- Prepare an incident report immediately after the incident, noting details that might be forgotten over time. Appendix B contains a sample incident report form that an employer may use or adapt for its own purposes.
- Arrange appropriate treatment for victimized employees. In addition to physical injuries, victims and witnesses may suffer psychological trauma, fear of returning to work, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers. Post-incident debriefings and counseling can reduce psychological trauma and stress among victims and witnesses.¹² An emerging trend is to use critical incident stress management to provide a range or continuum of care tailored to the individual victim or the organization's needs.
- An overview of the potential risk of assault.
- Operational procedures, such as cash handling rules, that are designed to reduce risk.
- Proper use of security measures and engineering controls that have been adopted in the workplace.
- Behavioral strategies to defuse tense situations and reduce the likelihood of a violent outcome, such as techniques of conflict resolution and aggression management.
- Specific instructions on how to respond to a robbery (such as the instruction to turn over money or valuables without resistance) and how to respond to attempted shoplifting.
- Emergency action procedures to be followed in the event of a robbery or violent incident.

Training should be conducted by persons who have a demonstrated knowledge of the subject and should be presented in language appropriate for the individuals being trained. Oral quizzes or written tests can ensure that the employees have actually understood the training that they received. An employee's understanding also can be verified by observing the employee at work.

The need to repeat training varies with the circumstances. Retraining should be considered for employees who violate or forget safety measures. Similarly, employees who are transferred to new job assignments or locations may need training even though they may already have received some training in their former position. Establishments with high rates of employee turnover may need to provide training frequently.

Training and Education

Training and education ensure that all staff are aware of potential security hazards and the procedures for protecting themselves and their co-workers. Employees with different roles in the business may need different types and levels of training.

General Training

Employees need instruction on the specific hazards associated with their job and worksite to help them minimize their risk of assault and injury. Such training would include information on potential hazards identified in the establishments, and the methods to control those hazards. Topics may include the following:

Training for Supervisors, Managers, and Security Personnel

To recognize whether employees are following safe practices, management personnel should undergo training comparable to that of the employees and additional training to enable them to recognize, analyze, and establish violence prevention controls. Knowing how to ensure sensitive handling of traumatized employees also is an important skill for management. Training for managers also could address any specific duties and responsibilities they have that could increase their risk of assault. Security personnel need specific training about their roles, including the psychological components of handling aggressive and abusive customers and ways to handle aggression and defuse hostile situations.

The team or coordinator responsible for implementation of the program should review and evaluate annually the content, methods, and frequency of training.

¹¹ All private sector employers are required to report work-related fatalities or incidents resulting in the hospitalization of 3 or more workers to OSHA within 8 hours, regardless of the employer's size or industry classification. These requirements are explained in 29 CFR 1904.8.

¹² Flannery, et al., 1991, 1994, 1995. Counseling educates staff about workplace violence, provides a supportive environment for victims, and, when combined with effective training, positively influences workplace culture to help prepare employees to confront or prevent future incidents of violence and to reduce trauma associated with those future incidents.

Program evaluation can involve interviewing supervisors and employees, testing and observing employees, and reviewing responses of employees to workplace violence incidents.

Evaluation

Recordkeeping

Good records help employers determine the severity of the risks, evaluate the methods of hazard control, and identify training needs. An effective violence prevention program will use records of injuries, illnesses, incidents, hazards, corrective actions, and training to help identify problems and solutions for a safe and healthful workplace.

Employers can tailor their recordkeeping practices to the needs of their violence prevention program. The purpose of maintaining records is to enable the employer to monitor its on-going efforts, to determine if the violence prevention program is working, and to identify ways to improve it. Employers may find the following types of records useful for this purpose:

- Records of employee and other injuries and illnesses at the establishment.¹³
- Records describing incidents involving violent acts and threats of such acts, even if the incident did not involve an injury or a criminal act. Records of events involving abuse, verbal attacks, or aggressive behavior can help identify patterns and risks that are not evident from the smaller set of cases that actually result in injury or crime.
- Written hazard analyses.
- Recommendations of police advisors, employees, or consultants.
- Up-to-date records of actions taken to deter violence, including work practice controls and other corrective steps.
- Notes of safety meetings and training records.

¹³ OSHA regulations require employers with 11 or more employees to record work-related injuries and illnesses on the OSHA 200 and 101 forms. Employers in certain industries are exempt from this requirement. 29 CFR. 1904. If an employer is subject to the recordkeeping requirements, it must record all injuries resulting from assaults and other cases of work-related violence on the OSHA log if the injury requires medical treatment beyond first aid, or results in death, days away from work, restricted work activity, transfer to another job, or loss of consciousness. For more information on these requirements, see the 1986 BLS publication, *Recordkeeping Guidelines for Occupational Injuries and Illnesses*. This document can be ordered online from the Government Printing Office at http://www.gpo.gov/su_docs/ or can be downloaded from <http://www.osha-slc.gov/SLTC/Recordkeeping/index.html/>.

Prevention Programs

Violence prevention programs benefit greatly from periodic evaluation. The evaluation process could involve the following:

- Review the results of periodic safety audits.
- Review post-incident reports. In analyzing incidents, the employer should pay attention not just to what went wrong, but to actions taken by employees that avoided further harm, such as handling a shoplifting incident in such a way as to avoid escalation to violence.
- Examine reports and minutes from staff meetings on safety and security issues.
- Analyze trends and rates in illnesses, injuries or fatalities caused by violence relative to initial or “baseline” rates.
- Consult with employees before and after making job or worksite changes to determine the effectiveness of the interventions.
- Keep abreast of new strategies to deal with violence in the retail industry.

Management should communicate any lessons learned from evaluating the workplace violence prevention program to all employees. Management could discuss changes in the program during regular meetings of the safety committee, with union representatives, or with other employee groups.

Conclusion

Workplace violence has emerged as an important occupational safety and health issue in many industries, including the retail trade. These voluntary recommendations offer a systematic framework to help an employer protect employees from risks of injury and death from occupationally related violence. By addressing workplace violence as a preventable hazard, employers can develop practical and effective strategies to protect their employees from this serious risk and provide a safe and healthful workplace.



Occupational
Safety and Health
Administration

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Guidelines for
**Preventing Workplace
Violence for Health Care &
Social Service Workers**

OSHA 3148-01R 2004

This informational booklet provides a general overview of a particular topic related to OSHA standards. It does not alter or determine compliance responsibilities in OSHA standards or the *Occupational Safety and Health Act of 1970*. Because interpretations and enforcement policy may change over time, you should consult current OSHA administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the Courts for additional guidance on OSHA compliance requirements.

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Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers



U.S. Department of Labor

Occupational Safety and Health Administration

OSHA 3148-01R
2004

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Notice

These guidelines are not a new standard or regulation. They are advisory in nature, informational in content and intended to help employers establish effective workplace violence prevention programs adapted to their specific worksites. The guidelines do not address issues related to patient care. They are performance-oriented, and how employers implement them will vary based on the site's hazard analysis.

Violence inflicted on employees may come from many sources—external parties such as robbers or muggers and internal parties such as coworkers and patients. These guidelines address only the violence inflicted by patients or clients against staff. However, OSHA suggests that workplace violence policies indicate a zero-tolerance for all forms of violence from all sources.

The *Occupational Safety and Health Act of 1970 (OSH Act)*¹ mandates that, in addition to compliance with hazard-specific standards, all employers have a general duty to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. OSHA will rely on Section 5(a)(1) of the *OSH Act*, the "General Duty Clause,"² for enforcement authority. Failure to implement these guidelines is not in itself a violation of the General Duty Clause. However, employers can be cited for violating the General Duty Clause if there is a recognized hazard of workplace violence in their establishments and they do nothing to prevent or abate it.

When Congress passed the *OSH Act*, it recognized that workers' compensation systems provided state-specific remedies for job-related injuries and illnesses. Determining what constitutes a compensable claim and the rate of compensation were left to the states, their legislatures and their courts. Congress acknowledged this point in Section 4(b)(4) of the *OSH Act*, when it stated categorically: "Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law. . ."³ Therefore,

¹ Public Law 91-596, December 29, 1970; and as amended by P.L. 101-552, Section 3101, November 5, 1990.

² "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

³ 29 U.S.C. 653(b)(4).

these non-mandatory guidelines should not be viewed as enlarging or diminishing the scope of work-related injuries. The guidelines are intended for use in any state and without regard to whether any injuries or fatalities are later determined to be compensable.

Acknowledgments

Many people have contributed to these guidelines. They include health care, social service and employee assistance experts; researchers; educators; unions and other stakeholders; OSHA professionals; and the National Institute for Occupational Safety and Health (NIOSH).

Also, several states have developed relevant standards or recommendations, such as California OSHA's *CAL/OSHA Guidelines for Workplace Security and Guidelines for Security and Safety of Health Care and Community Service Workers*; New Jersey Public Employees Occupational Safety and Health's *Guidelines on Measures and Safeguards in Dealing with Violent or Aggressive Behavior in Public Sector Health Care Facilities*; and the State of Washington Department of Labor and Industries' *Violence in Washington Workplaces and Study of Assaults on Staff in Washington State Psychiatric Hospitals*. Other organizations with relevant recommendations include the Joint Commission on Accreditation of Health Care Organizations' *Comprehensive Accreditation Manuals for Hospitals*, the Metropolitan Chicago Healthcare Council's *Guidelines for Dealing with Violence in Health Care*, and the American Nurses Association's *Promoting Safe Work Environments for Nurses*. These and other agencies have information available to assist employers.

Introduction

Workplace violence affects health care and social service workers.

The National Institute for Occupational Safety and Health (NIOSH) defines workplace violence as "violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty."⁴ This includes terrorism as illustrated by the

⁴CDC/NIOSH. Violence. Occupational Hazards in Hospitals. 2002.

terrorist acts of September 11, 2001 that resulted in the deaths of 2,886 workers in New York, Virginia and Pennsylvania. Although these guidelines do not address terrorism specifically, this type of violence remains a threat to U.S. workplaces.

For many years, health care and social service workers have faced a significant risk of job-related violence. Assaults represent a serious safety and health hazard within these industries. OSHA's violence prevention guidelines provide the agency's recommendations for reducing workplace violence, developed following a careful review of workplace violence studies, public and private violence prevention programs and input from stakeholders. OSHA encourages employers to establish violence prevention programs and to track their progress in reducing work-related assaults. Although not every incident can be prevented, many can, and the severity of injuries sustained by employees can be reduced. Adopting practical measures such as those outlined here can significantly reduce this serious threat to worker safety.

Extent of the problem

The Bureau of Labor Statistics (BLS) reports that there were 69 homicides in the health services from 1996 to 2000. Although workplace homicides may attract more attention, the vast majority of workplace violence consists of non-fatal assaults. BLS data shows that in 2000, 48 percent of all non-fatal injuries from occupational assaults and violent acts occurred in health care and social services. Most of these occurred in hospitals, nursing and personal care facilities, and residential care services. Nurses, aides, orderlies and attendants suffered the most non-fatal assaults resulting in injury.

Injury rates also reveal that health care and social service workers are at high risk of violent assault at work. BLS rates measure the number of events per 10,000 full-time workers—in this case, assaults resulting in injury. In 2000, health service workers overall had an incidence rate of 9.3 for injuries resulting from assaults and violent acts. The rate for social service workers was 15, and for nursing and personal care facility workers, 25. This compares to an overall private sector injury rate of 2.

The Department of Justice's (DOJ) National Crime Victimization Survey for 1993 to 1999 lists average annual rates of non-fatal violent crime by occupation. The average annual rate for non-fatal

violent crime for all occupations is 12.6 per 1,000 workers. The average annual rate for physicians is 16.2; for nurses, 21.9; for mental health professionals, 68.2; and for mental health custodial workers, 69. (Note: These data do not compare directly to the BLS figures because DOJ presents violent incidents per 1,000 workers and BLS displays injuries involving days away from work per 10,000 workers. Both sources, however, reveal the same high risk for health care and social service workers.)

As significant as these numbers are, the actual number of incidents is probably much higher. Incidents of violence are likely to be underreported, perhaps due in part to the persistent perception within the health care industry that assaults are part of the job. Underreporting may reflect a lack of institutional reporting policies, employee beliefs that reporting will not benefit them or employee fears that employers may deem assaults the result of employee negligence or poor job performance.

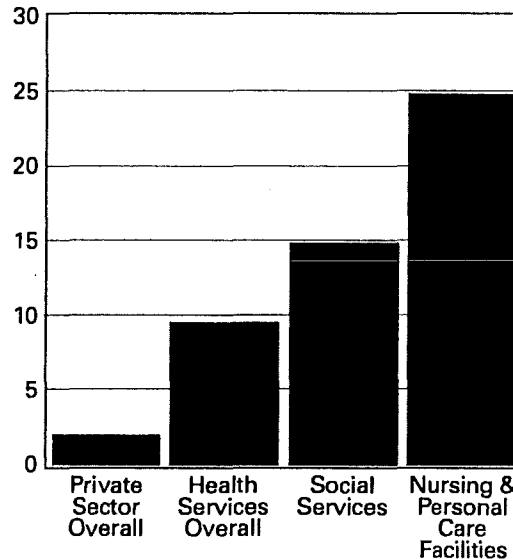
The risk factors

Health care and social service workers face an increased risk of work-related assaults stemming from several factors. These include:

- The prevalence of handguns and other weapons among patients, their families or friends;
- The increasing use of hospitals by police and the criminal justice system for criminal holds and the care of acutely disturbed, violent individuals;
- The increasing number of acute and chronic mentally ill patients being released from hospitals without follow-up care (these

Incidence rates for nonfatal assaults and violent acts by industry, 2000

Incidence rate per 10,000 full-time workers



Source: U.S. Department of Labor, Bureau of Labor Statistics. (2001). *Survey of Occupational Injuries and Illnesses, 2000*.

patients have the right to refuse medicine and can no longer be hospitalized involuntarily unless they pose an immediate threat to themselves or others);

- The availability of drugs or money at hospitals, clinics and pharmacies, making them likely robbery targets;
- Factors such as the unrestricted movement of the public in clinics and hospitals and long waits in emergency or clinic areas that lead to client frustration over an inability to obtain needed services promptly;
- The increasing presence of gang members, drug or alcohol abusers, trauma patients or distraught family members;
- Low staffing levels during times of increased activity such as mealtimes, visiting times and when staff are transporting patients;
- Isolated work with clients during examinations or treatment;
- Solo work, often in remote locations with no backup or way to get assistance, such as communication devices or alarm systems (this is particularly true in high-crime settings);
- Lack of staff training in recognizing and managing escalating hostile and assaultive behavior; and
- Poorly lit parking areas.

Overview of Guidelines

In January 1989, OSHA published voluntary, generic safety and health program management guidelines for all employers to use as a foundation for their safety and health programs, which can include workplace violence prevention programs.⁵ OSHA's violence prevention guidelines build on these generic guidelines by identifying common risk factors and describing some feasible solutions. Although not exhaustive, the workplace violence guidelines include policy recommendations and practical corrective methods to help prevent and mitigate the effects of workplace violence.

⁵OSHA's Safety and Health Program Management Guidelines (54 *Federal Register* (16):3904-3916, January 26, 1989).

The goal is to eliminate or reduce worker exposure to conditions that lead to death or injury from violence by implementing effective security devices and administrative work practices, among other control measures.

The guidelines cover a broad spectrum of workers who provide health care and social services in psychiatric facilities, hospital emergency departments, community mental health clinics, drug abuse treatment clinics, pharmacies, community-care facilities and long-term care facilities. They include physicians, registered nurses, pharmacists, nurse practitioners, physicians' assistants, nurses' aides, therapists, technicians, public health nurses, home health care workers, social workers, welfare workers and emergency medical care personnel. The guidelines may also be useful in reducing risks for ancillary personnel such as maintenance, dietary, clerical and security staff in the health care and social service industries.

Violence Prevention Programs

A written program for job safety and security, incorporated into the organization's overall safety and health program, offers an effective approach for larger organizations. In smaller establishments, the program does not need to be written or heavily documented to be satisfactory.

What is needed are clear goals and objectives to prevent workplace violence suitable for the size and complexity of the workplace operation and adaptable to specific situations in each establishment. Employers should communicate information about the prevention program and startup date to all employees.

At a minimum, workplace violence prevention programs should:

- Create and disseminate a clear policy of zero tolerance for workplace violence, verbal and nonverbal threats and related actions. Ensure that managers, supervisors, coworkers, clients, patients and visitors know about this policy.

-
- Ensure that no employee who reports or experiences workplace violence faces reprisals.⁶
 - Encourage employees to promptly report incidents and suggest ways to reduce or eliminate risks. Require records of incidents to assess risk and measure progress.
 - Outline a comprehensive plan for maintaining security in the workplace. This includes establishing a liaison with law enforcement representatives and others who can help identify ways to prevent and mitigate workplace violence.
 - Assign responsibility and authority for the program to individuals or teams with appropriate training and skills. Ensure that adequate resources are available for this effort and that the team or responsible individuals develop expertise on workplace violence prevention in health care and social services.
 - Affirm management commitment to a worker-supportive environment that places as much importance on employee safety and health as on serving the patient or client.
 - Set up a company briefing as part of the initial effort to address issues such as preserving safety, supporting affected employees and facilitating recovery.

Elements of an effective violence prevention program

The five main components of any effective safety and health program also apply to the prevention of workplace violence:

- Management commitment and employee involvement;
- Worksite analysis;
- Hazard prevention and control;
- Safety and health training; and
- Recordkeeping and program evaluation.

⁶Section 11 (c)(1) of the OSH Act applies to protected activity involving the hazard of workplace violence as it does for other health and safety matters:

"No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."

Management Commitment and Employee Involvement

Management commitment and employee involvement are complementary and essential elements of an effective safety and health program. To ensure an effective program, management and frontline employees must work together, perhaps through a team or committee approach. If employers opt for this strategy, they must be careful to comply with the applicable provisions of the *National Labor Relations Act*.⁷

Management commitment, including the endorsement and visible involvement of top management, provides the motivation and resources to deal effectively with workplace violence. This commitment should include:

- Demonstrating organizational concern for employee emotional and physical safety and health;
- Exhibiting equal commitment to the safety and health of workers and patients/clients;
- Assigning responsibility for the various aspects of the workplace violence prevention program to ensure that all managers, supervisors and employees understand their obligations;
- Allocating appropriate authority and resources to all responsible parties;
- Maintaining a system of accountability for involved managers, supervisors and employees;
- Establishing a comprehensive program of medical and psychological counseling and debriefing for employees experiencing or witnessing assaults and other violent incidents; and
- Supporting and implementing appropriate recommendations from safety and health committees.

Employee involvement and feedback enable workers to develop and express their own commitment to safety and health and provide useful information to design, implement and evaluate the program.

⁷29 U.S.C. 158(a)(2).

Employee involvement should include:

- Understanding and complying with the workplace violence prevention program and other safety and security measures;
- Participating in employee complaint or suggestion procedures covering safety and security concerns;
- Reporting violent incidents promptly and accurately;
- Participating in safety and health committees or teams that receive reports of violent incidents or security problems, make facility inspections and respond with recommendations for corrective strategies; and
- Taking part in a continuing education program that covers techniques to recognize escalating agitation, assaultive behavior or criminal intent and discusses appropriate responses.

Worksite Analysis

Value of a worksite analysis

A worksite analysis involves a step-by-step, commonsense look at the workplace to find existing or potential hazards for workplace violence. This entails reviewing specific procedures or operations that contribute to hazards and specific areas where hazards may develop. A threat assessment team, patient assault team, similar task force or coordinator may assess the vulnerability to workplace violence and determine the appropriate preventive actions to be taken. This group may also be responsible for implementing the workplace violence prevention program. The team should include representatives from senior management, operations, employee assistance, security, occupational safety and health, legal and human resources staff.

The team or coordinator can review injury and illness records and workers' compensation claims to identify patterns of assaults that could be prevented by workplace adaptation, procedural changes or employee training. As the team or coordinator identifies appropriate controls, they should be instituted.

Focus of a worksite analysis

The recommended program for worksite analysis includes, but is not limited to:

- Analyzing and tracking records;
- Screening surveys; and
- Analyzing workplace security.

Records analysis and tracking

This activity should include reviewing medical, safety, workers' compensation and insurance records—including the OSHA Log of Work-Related Injury and Illness (OSHA Form 300), if the employer is required to maintain one—to pinpoint instances of workplace violence. Scan unit logs and employee and police reports of incidents or near-incidents of assaultive behavior to identify and analyze trends in assaults relative to particular:

- Departments;
- Units;
- Job titles;
- Unit activities;
- Workstations; and
- Time of day.

Tabulate these data to target the frequency and severity of incidents to establish a baseline for measuring improvement. Monitor trends and analyze incidents. Contacting similar local businesses, trade associations and community and civic groups is one way to learn about their experiences with workplace violence and to help identify trends. Use several years of data, if possible, to trace trends of injuries and incidents of actual or potential workplace violence.

Value of screening surveys

One important screening tool is an employee questionnaire or survey to get employees' ideas on the potential for violent incidents and to identify or confirm the need for improved security measures. Detailed baseline screening surveys can help pinpoint tasks that put

employees at risk. Periodic surveys—conducted at least annually or whenever operations change or incidents of workplace violence occur—help identify new or previously unnoticed risk factors and deficiencies or failures in work practices, procedures or controls. Also, the surveys help assess the effects of changes in the work processes. The periodic review process should also include feedback and follow-up.

Independent reviewers, such as safety and health professionals, law enforcement or security specialists and insurance safety auditors, may offer advice to strengthen programs. These experts can also provide fresh perspectives to improve a violence prevention program.

Conducting a workplace security analysis

The team or coordinator should periodically inspect the workplace and evaluate employee tasks to identify hazards, conditions, operations and situations that could lead to violence.

To find areas requiring further evaluation, the team or coordinator should:

- Analyze incidents, including the characteristics of assailants and victims, an account of what happened before and during the incident, and the relevant details of the situation and its outcome. When possible, obtain police reports and recommendations.
- Identify jobs or locations with the greatest risk of violence as well as processes and procedures that put employees at risk of assault, including how often and when.
- Note high-risk factors such as types of clients or patients (for example, those with psychiatric conditions or who are disoriented by drugs, alcohol or stress); physical risk factors related to building layout or design; isolated locations and job activities; lighting problems; lack of phones and other communication devices; areas of easy, unsecured access; and areas with previous security problems.
- Evaluate the effectiveness of existing security measures, including engineering controls. Determine if risk factors have been reduced or eliminated and take appropriate action.

Hazard Prevention and Control

After hazards are identified through the systematic worksite analysis, the next step is to design measures through engineering or administrative and work practices to prevent or control these hazards. If violence does occur, post-incident response can be an important tool in preventing future incidents.

Engineering controls and workplace adaptations to minimize risk

Engineering controls remove the hazard from the workplace or create a barrier between the worker and the hazard. There are several measures that can effectively prevent or control workplace hazards, such as those described in the following paragraphs. The selection of any measure, of course, should be based on the hazards identified in the workplace security analysis of each facility.

Among other options, employers may choose to:

- Assess any plans for new construction or physical changes to the facility or workplace to eliminate or reduce security hazards.
- Install and regularly maintain alarm systems and other security devices, panic buttons, hand-held alarms or noise devices, cellular phones and private channel radios where risk is apparent or may be anticipated. Arrange for a reliable response system when an alarm is triggered.
- Provide metal detectors—installed or hand-held, where appropriate—to detect guns, knives or other weapons, according to the recommendations of security consultants.
- Use a closed-circuit video recording for high-risk areas on a 24-hour basis. Public safety is a greater concern than privacy in these situations.
- Place curved mirrors at hallway intersections or concealed areas.
- Enclose nurses' stations and install deep service counters or bullet-resistant, shatter-proof glass in reception, triage and admitting areas or client service rooms.
- Provide employee "safe rooms" for use during emergencies.
- Establish "time-out" or seclusion areas with high ceilings with-

out grids for patients who “act out” and establish separate rooms for criminal patients.

- Provide comfortable client or patient waiting rooms designed to minimize stress.
- Ensure that counseling or patient care rooms have two exits.
- Lock doors to staff counseling rooms and treatment rooms to limit access.
- Arrange furniture to prevent entrapment of staff.
- Use minimal furniture in interview rooms or crisis treatment areas and ensure that it is lightweight, without sharp corners or edges and affixed to the floor, if possible. Limit the number of pictures, vases, ashtrays or other items that can be used as weapons.
- Provide lockable and secure bathrooms for staff members separate from patient/client and visitor facilities.
- Lock all unused doors to limit access, in accordance with local fire codes.
- Install bright, effective lighting, both indoors and outdoors.
- Replace burned-out lights and broken windows and locks.
- Keep automobiles well maintained if they are used in the field.
- Lock automobiles at all times.

Administrative and work practice controls to minimize risk

Administrative and work practice controls affect the way staff perform jobs or tasks. Changes in work practices and administrative procedures can help prevent violent incidents. Some options for employers are to:

- State clearly to patients, clients and employees that violence is not permitted or tolerated.
- Establish liaison with local police and state prosecutors. Report all incidents of violence. Give police physical layouts of facilities to expedite investigations.
- Require employees to report all assaults or threats to a supervisor or manager (for example, through a confidential interview). Keep log books and reports of such incidents to help determine any necessary actions to prevent recurrences.

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- Advise employees of company procedures for requesting police assistance or filing charges when assaulted and help them do so, if necessary.
 - Provide management support during emergencies. Respond promptly to all complaints.
 - Set up a trained response team to respond to emergencies.
 - Use properly trained security officers to deal with aggressive behavior. Follow written security procedures.
 - Ensure that adequate and properly trained staff are available to restrain patients or clients, if necessary.
 - Provide sensitive and timely information to people waiting in line or in waiting rooms. Adopt measures to decrease waiting time.
 - Ensure that adequate and qualified staff are available at all times. The times of greatest risk occur during patient transfers, emergency responses, mealtimes and at night. Areas with the greatest risk include admission units and crisis or acute care units.
 - Institute a sign-in procedure with passes for visitors, especially in a newborn nursery or pediatric department. Enforce visitor hours and procedures.
 - Establish a list of "restricted visitors" for patients with a history of violence or gang activity. Make copies available at security checkpoints, nurses' stations and visitor sign-in areas.
 - Review and revise visitor check systems, when necessary. Limit information given to outsiders about hospitalized victims of violence.
 - Supervise the movement of psychiatric clients and patients throughout the facility.
 - Control access to facilities other than waiting rooms, particularly drug storage or pharmacy areas.
 - Prohibit employees from working alone in emergency areas or walk-in clinics, particularly at night or when assistance is unavailable. Do not allow employees to enter seclusion rooms alone.
 - Establish policies and procedures for secured areas and emergency evacuations.

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- Determine the behavioral history of new and transferred patients to learn about any past violent or assaultive behaviors.
 - Establish a system—such as chart tags, log books or verbal census reports—to identify patients and clients with assaultive behavior problems. Keep in mind patient confidentiality and worker safety issues. Update as needed.
 - Treat and interview aggressive or agitated clients in relatively open areas that still maintain privacy and confidentiality (such as rooms with removable partitions).
 - Use case management conferences with coworkers and supervisors to discuss ways to effectively treat potentially violent patients.
 - Prepare contingency plans to treat clients who are “acting out” or making verbal or physical attacks or threats. Consider using certified employee assistance professionals or in-house social service or occupational health service staff to help diffuse patient or client anger.
 - Transfer assaultive clients to acute care units, criminal units or other more restrictive settings.
 - Ensure that nurses and physicians are not alone when performing intimate physical examinations of patients.
 - Discourage employees from wearing necklaces or chains to help prevent possible strangulation in confrontational situations. Urge community workers to carry only required identification and money.
 - Survey the facility periodically to remove tools or possessions left by visitors or maintenance staff that could be used inappropriately by patients.
 - Provide staff with identification badges, preferably without last names, to readily verify employment.
 - Discourage employees from carrying keys, pens or other items that could be used as weapons.
 - Provide staff members with security escorts to parking areas in evening or late hours. Ensure that parking areas are highly visible, well lit and safely accessible to the building.
 - Use the “buddy system,” especially when personal safety may be threatened. Encourage home health care providers, social service workers and others to avoid threatening situations.

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- Advise staff to exercise extra care in elevators, stairwells and unfamiliar residences; leave the premises immediately if there is a hazardous situation; or request police escort if needed.
 - Develop policies and procedures covering home health care providers, such as contracts on how visits will be conducted, the presence of others in the home during the visits and the refusal to provide services in a clearly hazardous situation.
 - Establish a daily work plan for field staff to keep a designated contact person informed about their whereabouts throughout the workday. Have the contact person follow up if an employee does not report in as expected.

Employer responses to incidents of violence

Post-incident response and evaluation are essential to an effective violence prevention program. All workplace violence programs should provide comprehensive treatment for employees who are victimized personally or may be traumatized by witnessing a workplace violence incident. Injured staff should receive prompt treatment and psychological evaluation whenever an assault takes place, regardless of its severity. Provide the injured transportation to medical care if it is not available onsite.

Victims of workplace violence suffer a variety of consequences in addition to their actual physical injuries. These may include:

- Short- and long-term psychological trauma;
- Fear of returning to work;
- Changes in relationships with coworkers and family;
- Feelings of incompetence, guilt, powerlessness; and
- Fear of criticism by supervisors or managers.

Consequently, a strong follow-up program for these employees will not only help them to deal with these problems but also help prepare them to confront or prevent future incidents of violence.

Several types of assistance can be incorporated into the post-incident response. For example, trauma-crisis counseling, critical-incident stress debriefing or employee assistance programs may be provided to assist victims. Certified employee assistance professionals, psychologists, psychiatrists, clinical nurse specialists

or social workers may provide this counseling or the employer may refer staff victims to an outside specialist. In addition, the employer may establish an employee counseling service, peer counseling or support groups.

Counselors should be well trained and have a good understanding of the issues and consequences of assaults and other aggressive, violent behavior. Appropriate and promptly rendered post-incident debriefings and counseling reduce acute psychological trauma and general stress levels among victims and witnesses. In addition, this type of counseling educates staff about workplace violence and positively influences workplace and organizational cultural norms to reduce trauma associated with future incidents.

Safety and Health Training

Training and education ensure that all staff are aware of potential security hazards and how to protect themselves and their coworkers through established policies and procedures.

Training for all employees

Every employee should understand the concept of “universal precautions for violence” — that is, that violence should be expected but can be avoided or mitigated through preparation. Frequent training also can reduce the likelihood of being assaulted.

Employees who may face safety and security hazards should receive formal instruction on the specific hazards associated with the unit or job and facility. This includes information on the types of injuries or problems identified in the facility and the methods to control the specific hazards. It also includes instructions to limit physical interventions in workplace altercations whenever possible, unless enough staff or emergency response teams and security personnel are available. In addition, all employees should be trained to behave compassionately toward coworkers when an incident occurs.

The training program should involve all employees, including supervisors and managers.

New and reassigned employees should receive an initial orientation before being assigned their job duties. Visiting staff, such as physicians, should receive the same training as permanent staff. Qualified trainers should instruct at the comprehension level

appropriate for the staff. Effective training programs should involve role playing, simulations and drills.

Topics may include management of assaultive behavior, professional assault-response training, police assault-avoidance programs or personal safety training such as how to prevent and avoid assaults. A combination of training programs may be used, depending on the severity of the risk.

Employees should receive required training annually. In large institutions, refresher programs may be needed more frequently, perhaps monthly or quarterly, to effectively reach and inform all employees.

What training should cover

The training should cover topics such as:

- The workplace violence prevention policy;
- Risk factors that cause or contribute to assaults;
- Early recognition of escalating behavior or recognition of warning signs or situations that may lead to assaults;
- Ways to prevent or diffuse volatile situations or aggressive behavior, manage anger and appropriately use medications as chemical restraints;
- A standard response action plan for violent situations, including the availability of assistance, response to alarm systems and communication procedures;
- Ways to deal with hostile people other than patients and clients, such as relatives and visitors;
- Progressive behavior control methods and safe methods to apply restraints;
- The location and operation of safety devices such as alarm systems, along with the required maintenance schedules and procedures;
- Ways to protect oneself and coworkers, including use of the "buddy system;"
- Policies and procedures for reporting and recordkeeping;
- Information on multicultural diversity to increase staff sensitivity to racial and ethnic issues and differences; and

- Policies and procedures for obtaining medical care, counseling, workers' compensation or legal assistance after a violent episode or injury.

Training for supervisors and managers

Supervisors and managers need to learn to recognize high-risk situations, so they can ensure that employees are not placed in assignments that compromise their safety. They also need training to ensure that they encourage employees to report incidents.

Supervisors and managers should learn how to reduce security hazards and ensure that employees receive appropriate training. Following training, supervisors and managers should be able to recognize a potentially hazardous situation and to make any necessary changes in the physical plant, patient care treatment program and staffing policy and procedures to reduce or eliminate the hazards.

Training for security personnel

Security personnel need specific training from the hospital or clinic, including the psychological components of handling aggressive and abusive clients, types of disorders and ways to handle aggression and defuse hostile situations.

The training program should also include an evaluation. At least annually, the team or coordinator responsible for the program should review its content, methods and the frequency of training. Program evaluation may involve supervisor and employee interviews, testing and observing and reviewing reports of behavior of individuals in threatening situations.

Recordkeeping and Program Evaluation

How employers can determine program effectiveness

Recordkeeping and evaluation of the violence prevention program are necessary to determine its overall effectiveness and identify any deficiencies or changes that should be made.

Records employers should keep

Recordkeeping is essential to the program's success. Good records help employers determine the severity of the problem,

evaluate methods of hazard control and identify training needs. Records can be especially useful to large organizations and for members of a business group or trade association who “pool” data. Records of injuries, illnesses, accidents, assaults, hazards, corrective actions, patient histories and training can help identify problems and solutions for an effective program.

Important Records:

- **OSHA Log of Work-Related Injury and Illness (OSHA Form 300).** Employers who are required to keep this log must record any new work-related injury that results in death, days away from work, days of restriction or job transfer, medical treatment beyond first aid, loss of consciousness or a significant injury diagnosed by a licensed health care professional. Injuries caused by assaults must be entered on the log if they meet the recording criteria. All employers must report, within 24 hours, a fatality or an incident that results in the hospitalization of three or more employees.⁸
- **Medical reports of work injury and supervisors’ reports for each recorded assault.** These records should describe the type of assault, such as an unprovoked sudden attack or patient-to-patient altercation; who was assaulted; and all other circumstances of the incident. The records should include a description of the environment or location, potential or actual cost, lost work time that resulted and the nature of injuries sustained. These medical records are confidential documents and should be kept in a locked location under the direct responsibility of a health care professional.
- **Records of incidents of abuse, verbal attacks or aggressive behavior that may be threatening, such as pushing or shouting and acts of aggression toward other clients.** This may be kept as part of an assaultive incident report. Ensure that the affected department evaluates these records routinely. (See sample violence incident forms in Appendix B.)
- **Information on patients with a history of past violence, drug abuse or criminal activity recorded on the patient’s chart.** All staff who care for a potentially aggressive, abusive or violent client

⁸29 CFR Part 1904, revised 2001.

should be aware of the person's background and history. Log the admission of violent patients to help determine potential risks.

- Documentation of minutes of safety meetings, records of hazard analyses and corrective actions recommended and taken.
- Records of all training programs, attendees and qualifications of trainers.

Elements of a program evaluation

As part of their overall program, employers should evaluate their safety and security measures. Top management should review the program regularly, and with each incident, to evaluate its success. Responsible parties (including managers, supervisors and employees) should reevaluate policies and procedures on a regular basis to identify deficiencies and take corrective action.

Management should share workplace violence prevention evaluation reports with all employees. Any changes in the program should be discussed at regular meetings of the safety committee, union representatives or other employee groups.

All reports should protect employee confidentiality either by presenting only aggregate data or by removing personal identifiers if individual data are used.

Processes involved in an evaluation include:

- Establishing a uniform violence reporting system and regular review of reports;
- Reviewing reports and minutes from staff meetings on safety and security issues;
- Analyzing trends and rates in illnesses, injuries or fatalities caused by violence relative to initial or "baseline" rates;
- Measuring improvement based on lowering the frequency and severity of workplace violence;
- Keeping up-to-date records of administrative and work practice changes to prevent workplace violence to evaluate how well they work;
- Surveying employees before and after making job or worksite changes or installing security measures or new systems to determine their effectiveness;

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- Keeping abreast of new strategies available to deal with violence in the health care and social service fields as they develop;
 - Surveying employees periodically to learn if they experience hostile situations concerning the medical treatment they provide;
 - Complying with OSHA and State requirements for recording and reporting deaths, injuries and illnesses; and
 - Requesting periodic law enforcement or outside consultant review of the worksite for recommendations on improving employee safety.

Sources of assistance for employers

Employers who would like help in implementing an appropriate workplace violence prevention program can turn to the OSHA Consultation Service provided in their State. To contact this service, see OSHA's website at www.osha.gov or call (800) 321-OSHA.

OSHA's efforts to help employers combat workplace violence are complemented by those of NIOSH, public safety officials, trade associations, unions, insurers and human resource and employee assistance professionals, as well as other interested groups. Employers and employees may contact these groups for additional advice and information. NIOSH can be reached toll-free at (800) 35-NIOSH.

Conclusion

OSHA recognizes the importance of effective safety and health program management in providing safe and healthful workplaces. Effective safety and health programs improve both morale and productivity and reduce workers' compensation costs.

OSHA's violence prevention guidelines are an essential component of workplace safety and health programs. OSHA believes the performance-oriented approach of these guidelines provides employers with flexibility in their efforts to maintain safe and healthful working conditions.