

Preventing Workplace Violence

**A Union
Representative's
Guidebook**



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Workplace Violence: A Union Issue

Violence in the workplace has become an epidemic. Not only is workplace violence increasing in those workplaces where violence is expected, such as corrections, law enforcement and mental health, but it has become a danger in almost every occupation that deals with the public. Many AFSCME members face the threat of violence every day.

Workplace violence is a serious and deadly hazard; one that can cause not only physical injury, but serious psychological damage as well. Injuries and deaths related to workplace violence cannot be tolerated any more than any other workplace injury or death. Most violent incidents are predictable and preventable. And, as with other workplace hazards such as asbestos or noise, it is the employer's responsibility to take reasonable measures to minimize the risks for workplace violence.

Currently, there is no federal Occupational Safety and Health Administration (OSHA) standard that specifically addresses workplace violence. However, in 2006, AFSCME affiliates in New York played a leading role in passing the first state law that deals with this issue. See Appendix H for the text of the New York State Workplace Violence Prevention Act.

Workers can act together through their union to move an employer to reduce the risks for violence. An effective workplace violence prevention program should include:

- methods for identifying work practices and environmental factors that may lead to violence;
- procedures for implementing controls that will reduce the risks for violence; and/or
- procedures for responding to violence if it occurs.

What is workplace violence?

The workplace is any place a worker performs a job, such as an office, hospital, parking lot, school, private residence or public building. Violence is defined as any act of aggression that causes physical or emotional harm, such as physical assault, rape, verbal abuse, threats (including bomb scares) and even sexual harassment. Types of assaults include pinching, biting, hitting, grabbing, kicking or being struck by a weapon. Almost any object can be used as a weapon.

Workplace violence often captures attention only when a death occurs. But fatalities are only the tip of the iceberg. Threats and assaults that cause injuries occur much more frequently and may escalate into murder. Even the fear of assault or witnessing an assault on a co-worker can seriously affect a worker's health.

How often does workplace violence occur?

According to U.S. Bureau of Labor Statistics (BLS) data for 2005, there were 564 homicides in the workplace, the fourth leading cause of death on the job. For women, homicide was the second leading cause of death, accounting for 24% of workplace fatalities.

The problem of workplace violence is much greater for state and local government workers than for private-sector workers.

According to the 2005 BLS study, within the preceding months of the survey:

- 32% of all state government workplaces reported some form of violence;
- 15% of local governments experienced some type of workplace violence; and
- 5% of private industry reported workplace violence.

For this report, BLS defined workplace violence as violent acts directed towards a person at work or on duty (i.e., physical assaults, threats of assault, harassment, intimidation or bullying).

In its analysis, BLS explained why there is a higher rate of violence in the public sector:

The higher reported incidence of violence in state and local government workplaces may be attributed to their work environments. These workplaces reported much higher percentages of working directly with the public, having a mobile workplace, working with unstable or violent persons, working in high crime areas, guarding valuable goods or property, and working in community based settings than did private industry.

Statistics, however, do not reflect the "true" rate of workplace violence. Incidents of workplace violence often are not reported. Employers may not encourage employees to report assaults or threats. Workers may not report an assault out of fear they will be blamed for it and disciplined by management. Workers also may blame themselves for being assaulted.

Types of workplace violence

Most workplace violence falls into the following four categories:

- violence committed by clients and patients;
- violence associated with robbery or other crimes;
- violence among co-workers or managers; and/or
- domestic violence that spills over into the workplace.

Although the media focuses on the “crazy worker-type violence,” where a worker kills a supervisor or co-workers, violence among co-workers occurs very infrequently compared to other types of workplace violence. In fact, violence among co-workers accounts for less than 6% of all incidents. The vast majority of injuries and fatalities due to violence are the result of robberies and other crimes, or dealing with patients and clients.

Sadly, other intentional acts of violence cause mass casualties. On September 11, 2001, over 3,000 people were killed at the World Trade Center, the Pentagon and in Pennsylvania, where a plane crashed. In 1995, 168 people were killed when a federal building in Oklahoma City was blown up.

Identifying and Assessing Workplace Violence Hazards

Many factors have led to an increase in workplace violence both within the workplace and our society. Guns and other weapons are on the street and more people are willing to address their problems through violence. Much of this violence spills over into workplaces, such as hospital emergency rooms, social service offices, schools, as well as neighborhoods where housing inspectors, road workers, home health workers and child welfare workers must work.

Budget and policy decisions can have direct and negative effects on workplace safety. Staffing levels in many public institutions and agencies are not adequate in settings where workers are dealing with inmates, patients, clients or others who pose a risk of violence. Changes in policy, such as in public assistance, can cause frustration and hostility among recipients, who in turn may direct their anger at the workers whose job it is to administer the programs.

Although many people believe that workplace violence is random and unpredictable, a number of factors have been identified that may increase a worker's risk for violence. Identifying these risk factors involves looking at the work environment and work practices along with victim and perpetrator characteristics:

Working conditions associated with workplace violence include:

- low staffing levels
- working alone
- working late at night or early in the morning
- working with money or prescription drugs
- poor lighting
- lack of quick communication
- lack of controlled access to workplace

- long waits for services by customers, clients or patients, and/or
- the lack of available services.

Victim characteristics include:

- employees who work in homes or in the community;
- workers who handle money or prescription drugs;
- workers in correctional institutions or institutions for the mentally ill or developmentally disabled who are not trained in violence avoidance or self-defense;
- employees who provide care, advice or information, such as health care workers, mental health workers, emergency room and admission workers, and social services workers;
- workers who handle complaints, such as social service, child welfare and unemployment workers; and/or
- workers who have the authority to act against the public, inspect premises and enforce laws, such as inspectors, child welfare workers, law enforcement/corrections officers and security guards.

Perpetrator characteristics include:

- persons with a history of violent behavior
- gang members
- relatives of injured persons
- drug users

Although some employers and so-called workplace violence “experts” promote profiling of perpetrators to predict violence, it is often inaccurate and can lead to mislabeling and possible discrimination against groups of people and workers. For more information on profiling, consult Chapter 7.

Identifying hazards, collecting information and documenting incidents is a very important part of addressing workplace violence problems. A hazard assessment is a method of identifying, analyzing and documenting workplace hazards. Assessing workplace violence hazards involves some of the same tools used to document any other workplace safety or health problem. These include checklists and surveys, investigating incidents and reviewing available records.

- 1. Inspect the Workplace** — Appendix A contains a workplace violence inspection checklist that can be used as part of a safety and health inspection or safety audit. While inspecting for workplace violence risk factors, review the physical facility and note the presence or absence of security measures. Local law enforcement officials may also be able to conduct a security audit or provide information about their experiences with crime in the area.
- 2. Conduct a Survey** — The most important source of information on workplace hazards is workers. In fact, workers may be the only source of information on workplace violence hazards since management may not document incidents (or near misses). In addition, conducting regular surveys may also enable the local union to evaluate workplace violence prevention measures.

AFSCME in Action

Research has shown that the most important predictor of future violence is past violence. It is vital, therefore, that staff in institutions or social service agencies have access to information on violent incidents caused by clients or patients. Some AFSCME locals have negotiated for the “right-to-know” about the violent histories of clients and patients. For example, Oregon AFSCME Local 1246 (Council 75) negotiated with the Oregon State Fairview Training Center that: “the Agency shall make available all information regarding clients assigned to the work unit. If an employee who normally does not work on the cottage, visits it for purposes of carrying out assigned duties, the employee may contact the person responsible for the shift to inquire about any clients who may be dangerous.”

Types of Records to Review

Request from the Employer:

- Injury and Illness Log (OSHA Form 300) for the past two years to determine if any assaults or injuries associated with violence have been reported.*
- Workers' compensation records for the past two years to see if any worker has applied for medical or lost-time benefits due to a workplace violence injury.
- Employee medical records to check if workers ever sought treatment for minor or severe workplace violence injuries.**
- Incident reports (including threats) to detect any patterns of workplace violence.
- Reports conducted by security personnel, such as an on-site security review.
- Minutes or records from labor/management or safety committee meetings where issues of workplace violence were discussed or raised.
- Complaints made by employees, citizens, clients, patients or customers about violent or threatening incidents.

Other Records to Obtain:

- Police reports on violent incidents or suspicious activity in and around the workplace.
- Grievances and arbitrations related to workplace violence such as harassment, assaults, security hazards or threats.
- Correspondence between the union, management, OSHA or any other official pertaining to workplace violence or security.

* In all states with federally approved OSHA coverage for public employees, public employers are required to maintain and keep for five years a log of all job-related injuries and illnesses. The federal version of this form is called OSHA Form 300.

** If a public employer is covered by federal OSHA Standard 1910.20, individual employees have a right to obtain copies of their personal medical records held by the employer or the employer's consulting physician. Union representatives have the right to obtain overall medical results, as long as individual workers are not identified. The union can receive written authorization from a worker to receive his/her medical records.

Information can be collected either through a written questionnaire distributed to workers or through one-on-one personal interviews. A written survey may be appropriate if the union wants personal or sensitive information. For example, a worker may be reluctant to voice to a union representative fears about a co-worker, but may be more willing to describe the problem in an anonymous questionnaire. Alternatively, a one-on-one interview is a good technique for organizing as it gets people talking about their jobs and working conditions. Oral surveys are also a way to involve workers who do not read well. Appendices B through E contain samples of workplace violence surveys.

3. Analyze Safety Records —

By reviewing records of prior instances of workplace violence, local unions may be able to identify factors that contributed to the incident. Some of these documents must be requested from the employer. Others (for example, medical records or workers' compensation records) may require permission from the affected worker. Sensitive or confidential information may not be necessary to analyze the incidents; a summary of the information that includes at least the nature of the injury and type of treatment needed may be sufficient.

Records and reports on prior incidents may help determine:

- If a workplace violence problem exists and how serious the problem is.
- If management is aware, or should be aware, that a workplace violence problem exists.
- Trends in a particular department or work area, at a certain time of day or night, among specific job titles or job tasks, or under a particular supervisor or manager.

Once the risks for workplace violence have been identified and documented, the local union may not be able to address all of them at once. Rank issues based on how many people are affected, how easily they can be resolved, how serious they are or other criteria based upon local needs.

AFSCME in Action

In 1996, the Wisconsin State Employees Union sponsored workshops that introduced members to workplace violence issues and what they could do about it. As a result of educating employees, an ad hoc joint labor/management committee on workplace violence was created. The committee developed a workplace violence policy that served as a first step in developing specific actions such as methods of supporting victims and witnesses of workplace violence, preventive measures, education and training, and data collection and analysis.

Controlling and Preventing Workplace Violence

Since violence may often be predicted, it may also be prevented, even in workplaces that serve people who tend to be aggressive and violent. Some solutions are easy, painless and cheap; others are more difficult and more expensive. They differ greatly among occupations and workplaces.

The principles used to address other safety and health issues can be applied to the workplace violence problem. A combination of these controls will usually be the most effective and practical way to control workplace violence hazards. Not all measures will be practical in every workplace, but effective measures that could reduce the risk of violence may be found for any workplace.

1. Eliminate or Substitute the Hazard — Clearly, you cannot replace the inmates in prisons or drug addicts in treatment with less dangerous clients. Nevertheless, in some cases, elimination of the hazard is possible. Mental health and social service workers are frequently assaulted by patients or residents in health care or social service institutions who should be in jails or holding facilities. The physical facilities of an institution may not be equipped to handle high-risk inmates, and mental health attendants may not be trained to deal with highly violent patients. Transferring high-risk inmates or highly violent patients to more appropriate facilities is one method of eliminating potential hazards of workplace violence.

2. Engineering Controls — Engineering controls create a barrier between the worker and the hazard. Here are some engineering controls:

- Control or limit access to the facility by keeping doors locked from the outside and restricting access to the facility, especially after dark.
- Install locks on doors that lead to staff-only areas, including bathrooms and break areas. Locks that open by verifying an employee's fingerprints or that are accessed by a key card are preferable to combination locks since the code can be easily learned by a perpetrator.

- Issue identification tags to employees and visitor passes to guests so that workers and security personnel know who belongs in the facility and who doesn't. Minimize the personal information on an identification tag. A perpetrator may only need the worker's last name or Social Security number to figure out where that person lives.
- Create better escape routes by re-arranging furniture, aisles and offices to make exits more accessible. Alter the layout of offices, work areas and waiting rooms to prevent employees from being trapped.
- Install deep service counters and bullet or shatter-proof glass in reception areas to separate clients from employees.
- Lock up medical tools or other sharp instruments when not in use and install metal detectors (stationary or hand-held).
- Install panic alarms where employees encounter the public, and security cameras (closed-circuit TV) in and outside the building with a posted sign indicating they are in operation.
- Provide cell phones or pagers and personal (hand-held) alarms or portable panic buttons for field personnel.
- Increase security patrols, especially during evening and early morning hours.
- Provide adequate lighting and fencing around the building, walkways, facility grounds and parking areas.
- Install emergency phones throughout the facility and grounds that automatically call security personnel or 911.

Emergency Action Plans

Many employers already have an emergency action plan (also called a crisis response plan) that describes procedures to follow during a fire or other emergency. Most, however, do not cover workplace violence emergencies, including bomb threats. Local unions may want to propose that management expand the emergency action plan to cover violent incidents. The plan should be specific to the type of facility, building and workers it covers. For example, the emergency action plan for a correctional facility will be different from the one that is used by a mental health institution. Also, the plan should be updated and reviewed with workers regularly, particularly if there is turnover among employees or a change to the facility or a work rule. The emergency action plan should describe:

- procedures for calling for help;
- procedures for calling for medical assistance;
- procedures for notifying the proper authorities (security personnel and the police);
- emergency escape procedures and routes;
- safe places to escape inside and outside of the facility;
- securing the work area where the incident took place;
- procedures for accounting for all employees if a facility is evacuated;
- identifying personnel who may be called upon to perform medical or rescue duties; and
- training and educating employees in workplace violence issues and the emergency action plan.

For more information, see AFSCME's booklet, *Are You Prepared? A Guide to Emergency Planning in the Workplace*.

Bomb Threats

Management and the union should develop bomb threat procedures before a threat is ever received. Procedures for responding to bomb threats can be included in the emergency action plan. By planning ahead, employees will know what to do and will be less likely to panic. The union will also have an easier time convincing management to evacuate, or follow other emergency procedures, if those procedures are written as a formal policy.

- As with other threats, take all bomb threats seriously.
- Evacuate the facility and call the police or bomb squad to search the property.
- Instruct all employees, particularly receptionists and secretaries, what to do if a bomb threat call is received.
- Develop a method of reporting bomb threats or suspicious telephone calls.
- Employees (who are not trained) should never search for bombs on their own. Police bomb squads often ask for an employee to assist in searching for bombs since the employee is better able to recognize something unusual in the workplace. Ensure that this employee (and a back-up employee in case the worker is absent from work) volunteers to help and receives special training from the police bomb squad.
- Train employees in how to recognize a suspicious parcel or package and what to do if they identify one.
- Contact the local police department or bomb squad for information on responding to bomb threats. They may also provide training to employees and managers.
- Request that the local police department or bomb squad review the bomb threat procedures and methods of evacuating the facility.

- Get to know your law enforcement beat officers to let them know that you're implementing these measures; ask their advice about what other businesses have done to prevent crime.

3. Administrative Controls — Administrative controls are practices that reduce the likelihood for violence. Listed below are examples of administrative controls for workplace violence:

- Increase staffing levels so that workers do not work by themselves.
- Ban employees from working alone.
- Implement a “buddy system” for employees who work with potentially violent clients, patients or inmates.
- Record assaults, verbal abuses and “near misses” to learn how to prevent similar incidents from recurring.
- Provide security escorts to parking areas for employees who work late at night or early in the morning. Install bright, effective lighting.
- Notify security personnel when employees work “off-hours.”
- Provide training in defusing violent situations, self-defense, escape routes and procedures to follow when violence occurs.
- Provide sensitive and timely information to persons waiting in line or in waiting rooms. Adopt measures to decrease waiting time.

4. Special Measures for Employees who Work in the Field

- Prepare a daily work plan and keep a contact person informed of their location throughout the day.
- When necessary, use a “buddy system” or provide for back-up assistance (such as police assistance) so that workers do not have to enter a potentially dangerous situation alone.
- Provide a communication device (such as a cell phone or two-way radio) for employees in the field to call for help when necessary.
- Provide a portable panic button that will automatically dial for help when activated.
- Consider providing personal protective devices (such as pepper gel or mace, stun guns or other device) to employees and train employees in how to properly use any device. Such devices may not be appropriate for all types of community or legal for workers to carry and use.
- Keep vehicles well-maintained. Always lock vehicles.
- Provide field staff with hand-held alarms or noise devices.
- Discourage employees from carrying keys, pens or other items that could be used as weapons.
- Be aware that some types of public worker uniforms may be associated with “authority figures” such as inspectors, police or drug enforcers. Not all public-sector workers are welcomed in some residences or businesses.
- Be aware that public health nurses and other health care workers may be targeted for the drugs and medical supplies that they carry with them. Health care workers should not wear medical uniforms and carry medical bags if they enter dangerous neighborhoods.

- Establish a relationship with the local police department.
- Management should offer free legal assistance to employees who want to press charges against their attackers.
- Give employees the option to refuse to enter a potentially dangerous situation alone. Employees should be able to request back-up assistance (such as a co-worker, supervisor, police or security escort) when they feel it is necessary.

Violence Among Co-Workers and Managers

Workers killing other workers attracts media attention. In reality, far more violent acts are directed *at* workers, not caused *by* workers. Although violence among co-workers and managers is relatively rare, union representatives may have to confront this problem.

Violence among co-workers and managers can take many forms. For example, an individual worker may threaten other workers or his or her supervisor, a manager may harass workers, or a group of workers may act disrespectfully to their supervisors and each other, or behave in other inappropriate, potentially violent ways. To further complicate matters, the causes of this type of violence can be numerous, difficult to identify and not always easy to resolve.

RISK FACTORS

Some of the same factors associated with violence committed by patients, clients or intruders also may contribute to violence among co-workers and managers. Such factors include a lack of security, workplace layouts that trap employees behind furniture, inadequate escape routes and a lack of training.

But for conflicts occurring among employees or their managers, other factors may play a role. These other factors may be caused by the workplace itself or stem from outside the workplace, such as personal problems that employees bring to work. Both workplace and non-workplace factors ought to be considered as potential causes of violent behavior.

Workplace Risk Factors

Violence among workers and managers may be linked to the work climate and job stress. Signs of a troubled or at-risk work environment that could lead to worker-on-worker violence include:

- chronic labor/management disputes
- frequent grievances filed by employees
- an extraordinary number of workers' compensation claims (especially for psychological illness or mental stress)
- understaffing or excessive demands for overtime
- a high number of "stressed out" workers
- limited flexibility in how workers perform their jobs
- pending or rumored layoffs or "downsizing"
- significant changes in job responsibilities or workload; and/or
- an authoritarian management style.

If the workplace creates the potential for violence, the union should urge management to correct the problems identified. By addressing problems in the work environment, the union and management may prevent employees from becoming threatening or violent.

Non-Workplace Risk Factors

In addition to stress created by their jobs, workers may experience stress outside of work. For example:

- a physical or mental health problem
- financial difficulties
- marital or relationship problems
- caring for an elderly or sick relative
- child care concerns
- drug or alcohol abuse

Through discussions with a troubled worker, a union representative may become aware of the factors causing the worker's violent or threatening behavior. In some cases, the union representative may be able to get the worker assistance to deal with non-workplace problems before a serious, potentially violent situation at work occurs.

WHAT THE UNION CAN DO

Addressing violence between co-workers and managers is never easy for a union representative. The steward often has to deal with several conflicting interests: the "accused" worker who may want the union to defend him or her against disciplinary charges; the "victims" who may want the union to protect them against an abusive co-worker; and management who may not react appropriately to an incident. Employers or even co-workers may assume that a worker who displays threatening behavior needs to be terminated. The union representative may be caught in the middle — defending the accused worker and protecting his or her due-process rights, and addressing the legitimate safety concerns of the victims of his or her behavior.

Violence among co-workers may need to be handled differently from other union-related issues because in many of these cases no clear winners emerge from the traditional discipline — grievance process. Labor and management should sit down together early in

AFSCME in Action

Washington AFSCME Local 270 (Council 2) agreed with the City of Spokane, Washington, to establish a Threat Management Team. The team, which includes union representatives, is charged with assessing and implementing security measures, developing and implementing training for supervisors and employees, investigating prior incidents of workplace violence to prevent future re-occurrences, and investigating all reports of threats.

the process to try to work out a solution to the problem, rather than only rely upon the discipline process and the grievance procedure for resolution.

If a real potential for violence exists, the union representative and management should seek the assistance of a professional who is trained to talk to potentially violent individuals, offer counseling to distraught employees and make recommendation on improving the work climate.

Actions that signal that a situation may become serious include threats, verbal assaults, property destruction or any major disruptions in the workplace.

Management also may be fearful of becoming victims if they successfully fire the accused worker. Instead, they may do nothing and fail to address the problem. To make matters worse, some managers believe the only recourse against an employee who violates a workplace violence policy is to immediately fire the employee. Termination, however, is not always the best or most appropriate solution. An angry employee may feel the need to retaliate against the employer who fired him or her.

Get Involved Early

Seemingly insignificant conflicts between co-workers or managers can sometimes erupt into dangerous situations — especially if the problem goes unchecked. In many cases of worker-on-worker violence, minor non-violent conflicts that went unresolved built up until they were no longer manageable. By intervening early in a conflict between two workers or a worker and a supervisor, the union representative may be able to assist in resolving a problem before it gets out of control.

When the union representative gets involved at an early stage, he or she may be able to figure out if an underlying problem — such as an abusive supervisor or a problem at home — is contributing to the worker's inappropriate behavior. The goal should be to get the worker assistance and start resolving problems before the worker becomes threatening or violent. If a member is formally disciplined or fired for displaying potentially violent behavior, the union steward must represent the employee and protect his or her due-process rights and the integrity of the collective bargaining agreement. At this point, however, the union's options may be limited to negotiating to have the discipline reduced or get the worker's job back. Other chances to make real changes to improve the work environment or offer the worker outside assistance may be lost or harder to achieve.

Investigate Underlying Problems

Before union representatives can appropriately address the potential for violence, they need to consider the underlying factors that may cause inappropriate behavior. For example, problems may be identified by:

- Talking to union stewards, especially those working different shifts, to see if they are having the same problems with management.
- Analyzing grievances to look for patterns of contract violations. Determine if a particular supervisor is a problem.
- Examining workplace policies and rules to determine if they are implemented fairly consistently or are either too flexible or too rigid. Ask whether exceptions are made to the policy for certain workers or under certain situations. Do any of the policies violate the collective bargaining agreement?
- Arranging meetings where members can talk about their problems.
- Conducting written, anonymous surveys. Sometimes workers may be reluctant to come forward and discuss problems they may be having at home or with their boss. Through a survey, the union may be able to get information without making workers uncomfortable about sharing personal information. The survey could include questions that ask if a worker is having any difficulties or problems resolving conflicts with either a co-worker or supervisor.

Figuring out if a worker is having trouble at home or has an untreated mental or physical condition that may contribute to violent behavior must be done delicately. Simply asking if the union can assist him or her may open communication with the worker. On the other hand, telling the worker that he or she needs professional help may backfire and make the worker resentful or angry at the union.

The union representative can learn techniques for referring a co-worker to assistance. If an Employee Assistance Program is available in the workplace, it may be helpful. The AFL-CIO Community Services Program may also be able to provide information about referral services. The AFL-CIO State Federation or Central Labor Council should have a list of community services representatives in your area.

Use Two Stewards

Use two union stewards to represent the victim and the accused when violence occurs between two co-workers. One steward should support the victim who may wish to file a grievance while the other steward ensures that the accused's contractual rights are protected during the investigation and disciplinary process.

Negotiate with Management

To effectively address problems of violence among co-workers and managers, management needs to understand the union's collective bargaining responsibilities and concerns. Labor and management should work together to resolve workplace violence problems without ignoring the legal or contractual rights of employees, such as the collective bargaining agreement, employment discrimination laws or any other due-process rights that employees may have.

Dealing with an Aggressive Member: Tips for Union Representatives

- Be familiar with the workplace violence prevention program, if one exists.
- Research the situation before trying to resolve it (especially before meeting alone with the parties involved). Try to understand both sides of the issue.
- Determine if the problem may have stemmed from a misunderstanding or miscommunication that was blown out of proportion.
- Know how to recognize situations that require outside assistance.
- Express clearly to the aggressive member the consequences for violent and/or threatening behavior as stated in the facility's policy.
- Seek advice and support from the local police department. They often offer classes on violence prevention and safety.
- Be trained in conflict resolution skills and how to defuse a tense situation.
- Remember that it is management's responsibility to manage. Do not be the person to tell the aggressive employee about disciplinary decisions.
- Know if any local laws are being violated.
- Take threats seriously — report to management (or appropriate authority) to investigate.
- Don't be defensive about the union.

As alternatives to issuing discipline and filing grievances to resolve a potentially violent situation, the following actions may reduce the likelihood of violence among co-workers and managers:

1. Ensure that management provides a secure workplace, safe from intruders, assaults from clients, patients, customers and, if necessary, co-workers, former co-workers, family members and supervisors. This principle should be an essential part of a workplace violence prevention program (see Chapter 7 for more details on the workplace violence prevention program). Controls that protect workers from outside violence will also protect workers from internal violence.
2. Urge management to change the work organization, procedures or rules to reduce the causes of stress. For some workers and managers, stress reduction and conflict resolution classes may be beneficial. Special emphasis should be placed on improving labor/management relations.
3. Provide a confidential Employee Assistance Program (EAP) that can address workplace stress and violence issues. The union should be involved in coordinating and implementing the EAP program — from helping to select counselors to ensuring that all information is kept confidential. Where employees may need professional assistance beyond the scope of EAP services, encourage management to make available outside counseling services that are agreeable to the union.
4. Negotiate for alternatives to disciplining or terminating a potentially violent employee when such alternatives are appropriate. For example, managers should have the option of referring an employee to the EAP or other counseling before instituting formal discipline. Another option is to provide training for the potentially violent worker and affected co-workers and managers in communication skills, conflict resolution, sexual harassment, sensitivity or cultural diversity issues.
5. For some workplaces, a union/management crisis intervention team may be appropriate. The crisis intervention team identifies situations that might escalate into violence and recommends procedures for responding to those situations. The team's membership and ground rules should be jointly agreed upon by management and the union. There should be at least one union representative on the team along with a mental health professional. (See Chapter 7 for more information on crisis intervention teams.) Training in how to defuse a potentially violent situation may be useful for team members. However, crisis intervention team members should never get directly involved in a potentially violent situation. If one arises, professional psychiatrists, psychologists or counselors should be relied on for crisis intervention.
6. Personal threats should be promptly investigated and workers should be provided protection, if necessary.

Get Management to Manage

Sometimes management does not know how to handle a violent employee, refuses to do anything or wants the union to handle the problem. For example, management knows about a worker who brought a weapon to work but is either afraid to confront the worker or wants the union steward to do it. If management fails to enforce its own work rules, the union should protest.

Domestic Violence in the Workplace

In the past, violence that occurred in the home was considered a private problem and not the business of a victim's employer or co-workers. The truth is that domestic violence frequently spills into the workplace. For example, according to the New York City Victim Services Agency, during a one-year period three-quarters of battered women were harassed by their abusive partners in person or by telephone while at work. The U.S. Department of Justice estimates that husbands and boyfriends commit 13,000 acts of violence against women in the workplace every year.

To a limited degree, private —and public—sector employers have taken steps to address domestic violence at work. For example, state agencies and higher educational institutions in the state of Washington have developed policies and procedures to assist victims of domestic violence. These include domestic violence awareness training, planning for workplace safety, and responding to threats and reports of domestic violence.

Examples of how AFSCME locals can address domestic violence in the workplace include:

- Work to establish or expand Employee Assistance Programs to provide services for victims of domestic abuse.
- Negotiate for paid leave for domestic violence victims to attend legal proceedings, tend to family emergencies and attend counseling sessions.
- Negotiate for paid legal assistance for domestic violence victims.
- Encourage management to enhance security in the workplace to prohibit the victim's abuser (and other non-employees) from entering the work area unescorted.
- Sponsor workshops on domestic violence.

- Make available information on domestic violence, including phone numbers and locations of nearby shelters.
- Assist victims with legal action such as filing charges with the police or obtaining a restraining order against the abuser. (In some states, the employer has the right to obtain a temporary restraining order against the abuser.)
- Provide advance warning and photographs to security guards and workers in the building about the danger posed by the victim's abuser.

Contact AFSCME's Women's Rights Department by calling (202) 429-5090 for more information on domestic violence and what local unions can do about it.

AFSCME in Action

Since 1995, AFSCME's contract with the Commonwealth of Massachusetts provides employees up to 10 days of paid leave to attend necessary legal proceedings or activities in instances where the employee or his/her children is a victim of domestic abuse.

Reacting to Violence After it Occurs

Critical Incident Stress Debriefing and Post- Trauma Counseling

Providing a critical incident stress debriefing and post-trauma counseling services is an essential part of responding to violence. Debriefing is group counseling that occurs usually within a few days of the incident. Debriefing provides employees the opportunity to discuss what happened and for the counselors to assess which employees may benefit from long-term counseling. Witnesses of violence, co-workers and workers who perform similar jobs as the victim (even if they are in a different facility) may also benefit from debriefing and counseling.

Some Employee Assistance Programs (EAPs) can provide post-trauma services to employees. EAPs often employ counselors who specialize in helping employees who have lived through a traumatic incident or else can refer the victim(s) to a local crime victim counselor or other mental health specialist. EAP staff may understand the culture of the work environment and thus be better able to assist employees after an incident. Before seeking

Apart from physical injuries, violent or threatening incidents in the workplace often result in serious and disabling psychological damage. While bruises, wounds or broken bones may heal in days or months, the emotional trauma of a violent attack may take years to subside. After implementing the emergency action plan and providing prompt medical treatment for victims of workplace violence, employers will also have to deal with the psychological effects of violence.

Even supervisors who are sensitive to emotional trauma may not recognize that a violent incident — even ones that do not result in a physical injury — can have serious and long-lasting psychological effects on an employee.

Immediately after an incident, a critical incident debriefing should occur with all affected staff. Victims of the assault, as well as their co-workers, need the opportunity to discuss their concerns and feelings about the event, and suggest how to prevent such incidents from happening again.

Victims of workplace violence have an increased risk of long-term emotional problems and post-traumatic stress disorder (PTSD), an affliction common among combat veterans and victims of terrorism, crime, rape and other violent incidents. Symptoms include self-doubt, depression, fear, sleep disturbances, irritability, decreased ability to function at work, increased absenteeism, and disturbed relationships with family, friends and co-workers. Workers often blame themselves when they are injured in an assault, and management may encourage this self-blame. Victims and witnesses of violence often need long-term treatment to overcome these problems.

Fear of reprisal and lack of support for workers who are victims of violence discourage workers from reporting incidents and may lead to needless trauma for victims, co-workers and witnesses.

Employers, in cooperation with the union, should establish a process where post-trauma counseling is provided to all staff and their families who want it. The counseling should be done by a well-trained professional who understands the issues of assault and its consequences. Workers who witness incidents and co-workers who do the same jobs as the assault victim (even if at a different location) may also need assistance.

Post-Incident Investigation and Injury Reports

The union should encourage workers to report all workplace violence incidents (and close calls) and help them file a report. Documenting occurrences is an important step in making management address the problems of workplace violence.

Often managers write a report after someone gets hurt. Be suspicious of reports that conclude that the worker was careless or failed to follow rules and procedures. To avoid disagreements with management about the incident, the local union should request to participate with management in reporting what happened. If management refuses, then the union should conduct its own investigation and write a report. This documentation may be useful if the worker is disciplined or fired because of the incident.

When conducting an investigation, urge workers to document all assault incidents, close calls, suspicious persons and abusive behavior. Get information from the worker who was involved in an incident as well as any witnesses. Try to conduct the interview as soon after the incident (or close call) as possible since important details may be forgotten. Consult Appendix F for a sample incident report form. Ask the worker(s) to describe the incident and follow up with questions about the circumstances surrounding the incident, such as:

- Where did the incident occur?
- Was the worker alone?
- Was a security guard on duty? If yes, was security notified and did he/she respond?
- What time did the incident occur?
- Was the perpetrator a stranger, client/patient, co-worker or otherwise familiar?
- Were any threats made before the incident occurred?
- Did the worker(s) ever report to the employer that he/she was threatened, harassed, or suspicious that the attacker may become violent? If yes, what was the employer's response?

Critical Incident Stress Debriefing and Post-Trauma Counseling (continued)

assistance from an EAP, employees should be assured that their discussions with the counselors will remain confidential.

The following list can guide employers and the union in establishing counseling services for employees:

- Rely only upon experts in post-traumatic stress disorders and other problems facing people who have witnessed or been involved in violent incidents. Certified employee assistance professionals, psychologists, psychiatrists, clinical nurse specialists or social workers are professionals who may be qualified to provide counseling for victims.
- Counselors should understand the types of jobs workers perform and under what conditions they perform them.
- Recognize that counseling for certain employees may need to be long term.
- Conversations between the counselor and employee must remain confidential.
- Employers should work with unions to make group, individual and survivor counseling available for employees who request it.
- Families of victims may also need counseling.
- Develop return-to-work strategies either to the same job or a different job for affected employees.
- If the employer is unwilling to provide counseling services, the local union may develop a list of qualified counselors in the area for members who want to seek assistance on their own.

AFSCME in Action

Since 1983, county human services department employees represented by Ohio AFSCME Local 458 (Council 8) have had an assault leave provision in their contract. The contract language requires that “the Employer shall grant up to a maximum of ten (10) days of paid assault leave in lieu of paid sick leave for bargaining unit employees who are disabled as a result of an assault relating to the employee’s scope of employment and provided medical documentation is presented to the Director or designee.”

- What type of weapon did the attacker use against the worker? How did the perpetrator obtain the weapon?
- Did the worker ever receive training in workplace violence issues?
- What were the main factors that contributed to the incident?
- What could have prevented or minimized the damage caused by this workplace violence incident?

The Workplace Violence Prevention Program

Employers who are serious about addressing workplace violence should develop, in cooperation with the union, a comprehensive written workplace violence prevention program. The following three components are essential to an effective program:

- **Assessing Violence Hazards.** The program should describe methods for determining the extent of the problem, documenting incidents and evaluating the program.
- **Preventing and Controlling Violence Hazards.** The program should use the information gathered from the hazard assessment to implement different methods of minimizing or eliminating the risks for workplace violence.
- **Reacting to Violence (Post-Incident Response).** If violence occurs, employers and workers should be prepared to deal with the aftermath. This includes assessing the causes of the problem, making appropriate changes in the workplace and providing the psychological support needed by the victims of the violence.

Workplace Violence Policies

Local unions may consider negotiating with management a formal, written workplace violence policy that defines how workers should be protected from threats, assaults, verbal abuse and harassment. Good and effective workplace violence policies should apply to all employees, including managers and supervisors. Some employers may already have a violence prevention policy aimed at protecting clients and patients from abuse. Some policies, however, may infringe upon workers' rights and do little to actually protect workers from the threat of violence. For more information on these policies, consult the "Pitfalls" section later in this chapter.

The employer's workplace violence policy should include the following principles:

- Workplace violence is an occupational safety and health hazard.
- Employees should be educated about the conditions that increase the risk of violence, and how violence can be prevented, as well as have training and practice drills on procedures to be used in the event of a violent incident.
- Facility layout, work procedures, staffing, communication equipment and other work practices should be designed so that workers are not put — or put themselves — at risk of violence.
- Employees who have contact with the public should be trained in defusing potentially violent situations and how to protect themselves.
- Potentially violent clients or patients should be managed appropriately and the staff made aware of their identities.
- Back-up support should be available for employees who request it.
- Employees should be encouraged to report all incidents or near-misses of workplace violence, including threats.
- All incidents or near-misses of workplace violence should be investigated, preferably by the joint labor/management safety and health committee.
- Management should provide legal assistance to employees if they want to press charges against the assailant.
- Management must apply rules consistently and fairly.

Pitfalls to Avoid in Developing or Implementing a Workplace Violence Prevention Program

Many workplace violence prevention programs initiated by employers are a reaction to the misconception that most violence is caused by workers. As a result, these programs often fail to protect workers from the more real problem of violence caused by clients, patients or robbers. Employer-initiated programs may also violate the contract or infringe upon workers' rights.

Unions have a responsibility to make sure that workplace violence programs and policies are effective and fair, and reject those that are not helpful and violate the rights of the workers. Some of the common characteristics of bad policies and programs that unions should look out for are described in this section. These inadequate workplace violence prevention programs can be categorized into two types: (1) programs that omit the components necessary to make an effective workplace violence prevention program and (2) programs that contain ineffective or possibly harmful policies.

1. Programs that Miss Key Elements

If the program omits any of the parts listed below, it may not adequately resolve the problem of workplace violence. An effective workplace violence prevention program should include the following:

- method for assessing hazards (see Chapter 3);
- plan for controlling hazards and preventing violence from occurring (see Chapter 3);
- strategy to respond when violence occurs (see Chapter 6);
- union involvement in developing and implementing the program; and
- management's commitment to fully and effectively implement the program.

2. Programs that Include Bad Elements

The policies described in this section generally result from management's attempt to address only the type of violence occurring among workers and managers rather than the more common types of violence committed by patients, clients and intruders. In addition to addressing only one type of violence, they often infringe on the rights of the worker and union. Such management policies to watch out for include:

- A. profiles of potentially violent workers
- B. psychological tests
- C. "zero-tolerance" policies
- D. threat assessment teams
- E. policies that exclude the union
- F. one-sided management policies and
- G. management's failure to manage.

A. Profiles

Employers often attempt to match workers to certain violent traits on a list of "profiles" in order to predict who will become violent in the future. Management consultants often use these profiles to make money by allegedly helping employers to "recognize" potentially violent employees before they are hired, how to identify any current employees who may become violent, and how to discipline, fire and "downsize" employees without violence.

Most professionals have serious problems with profiling. These problems include:

- Sometimes these profiles may be useful in the hands of trained professionals, but managers and untrained persons can use these profiles to label and harass workers.
- After a violent incident occurs, it is easy to fit the assailant into a profile, but most people who fit lots of items on a profile will never become violent.
- Almost anyone can become violent if pushed beyond a certain point.
- Profiles sometimes use race, sex or age criteria that may violate anti-discrimination laws.
- Profiles can make things worse if an employee who may

indeed become violent is singled out in a negative way.

- The period of time that profiling can be used to predict violent behavior is often too short to be of much value.

Employers should take responsibility for employees who truly exhibit threatening behavior that has a potential for violence, not just because they fit a certain profile.

B. Psychological tests

Like profiling, psychological testing of workers for violent tendencies attempts to predict which employees will commit future violence. Often done as part of the pre-employment process, psychological testing policies that try to separate the safe workers from the potentially violent ones may be impractical and illegal. Although employers may have a legal responsibility to avoid negligent hiring, administering psychological tests may raise confidentiality issues as well as infringe upon rights workers have under such laws as the Americans with Disabilities Act. Furthermore, psychological tests may not be effective or reliable. Experience with psychological tests has shown that most perpetrators commit violence at a time beyond the predictive scope of the tests.

C. “Zero-tolerance” policies

These are policies that prohibit certain behavior or comments and are often some employers’ only response to workplace violence hazards. Although it is important for managers and workers to have clear guidelines for unacceptable behavior — especially unacceptable behavior such as actual physical assaults by employees on management or co-workers — there are several problems with zero-tolerance policies.

First, some employers believe that just issuing a piece of paper, which prohibits employees from doing or saying violent things will prevent workplace violence, regardless of what other working conditions may be contributing to a violent atmosphere. In addition, a zero-tolerance policy may ignore the contract and violate the principle of progressive discipline. Finally, a zero-tolerance policy may go too far in defining threatening language or behavior.

Zero-tolerance policies may be abused by management. For instance, a supervisor may find it easy to intentionally provoke an employee into losing his or her temper. The employee may never be given a chance to defend or explain his or her comments or behavior. Under some zero-tolerance policies, making an offhand, not serious, comment or innocent joke, no matter what the circumstances, may be grounds for immediate dismissal.

Some zero-tolerance policies define “threatening language” as a cause for automatic dismissal. Because of the cultural diversity in American society, however, people of varying ethnic, racial, religious, generational or economic groups may use different language and gestures to express themselves. Natural and harmless expressions by one group may be perceived by another as aggressive and

threatening. For example, a person's voice may become louder and her gestures more animated when she gets excited, not necessarily because she is angry or hostile. While any kind of hostile or threatening language is not acceptable in the workplace, some language may be misinterpreted.

When negotiating any kind of zero-tolerance policy with management, it is important to review the contract to determine if any workplace violence prevention policy violates any of the contract provisions or can be used by management to harass employees.

D. Threat assessment teams

Threat assessment teams, also called crisis intervention teams, are sometimes created by management to enforce zero-tolerance policies. Generally, the purpose of these teams is to receive, investigate and respond to reports of threats to determine the potential for violence. Some teams even go so far as to try to defuse a potentially violent situation.

Teams that only try to identify potentially violent situations and recommend procedures for responding to those situations may be effective in curbing internal problems of violence, as long as they don't take actions that might endanger themselves or anyone else. For a team to be effective, it should have an equal number of trained managers and union representatives. Such teams should also include mental health professionals. Without proper training and years of experience in a mental health discipline, lay people are likely to reach wrong conclusions and may put themselves and others at risk in dangerous situations.

E. Policies that exclude the union

Workplace violence programs or threat assessment teams that do not have union-designated representatives will have little credibility with employees, tend to blame non-management workers for problems and will inevitably fail to effectively address the problem of workplace violence.

F. One-sided management policies

Policies that are not applied equally to both managerial and non-managerial employees may lead to further labor/management conflict. All violence prevention strategies, particularly zero-tolerance policies, should be applied equally to all levels of employees since managers and supervisors can also cause physical violence, threats and harassment. Since workers may have violence-related problems with their supervisors, these policies may have little credibility with employees.

Taking Action: Union Strategies and Tactics

The most effective way to address workplace violence issues is for the union and management to work together to develop and implement a comprehensive workplace violence prevention program as described in Chapter 7. When the employer is unwilling to address the problem, however, the union may need to educate workers and force management to correct the problem.

Many of the activities described in Chapter 2 may be accomplished without management's cooperation. Talking to workers, conducting a survey, urging members to document incidents, and training and educating members on workplace violence are important first steps to convince management that a problem exists. The local union may also keep members informed through the local union newsletter. But once the union identifies and documents the problem, the next step is to get management to correct the hazards.

There are various ways to convince management to address workplace violence hazards. Regardless of which approach is used, it is important to first educate union members about the hazards and the goals of the actions, to tackle easy hazards first, and to bear in mind that the threat of an action may be as effective as the action itself. Some of the approaches may not be appropriate for all situations.

1. Labor/Management Committees

The local Labor/Management committee or the Joint Labor/Management Safety and Health Committee, if one exists, can be an effective way to address workplace violence problems.

Through these committees, the union and management can develop solutions in a cooperative rather than confrontational manner. Joint committees, however, should not be relied upon to address all types of workplace violence problems.

For example, in situations that could become immediately

dangerous, the union should not wait for the next committee meeting. Also, problems between two workers, or a worker and a supervisor, may be best handled outside of the committee to ensure the privacy of those most affected.

If an immediate potential for violence exists, the union representative and management should seek professional assistance right away.

A joint committee provides the union with an equal voice with management in establishing a workplace violence prevention program. Managers and workers may be more willing to accept the joint committee's recommendations knowing that they were endorsed by both the union and the employer. If the joint committee is effective, it may be quicker than fighting with management through the grievance procedure or calling OSHA to investigate. The joint committee can also test different control measures to determine which ones are most effective.

It is important to be aware that management may use the joint committee to look like it is doing something when it is really doing nothing. Be wary if management continually cancels meetings or delays taking action.

2. Grievances

Consider filing a grievance if the employer:

- Refuses to correct workplace violence hazards.
- Implements a workplace violence policy that does not address the real problems.
- Violates workers' rights under the contract.
- Violates its own rules or regulations — if that is grievable under contract.
- Takes an unreasonable amount of time to implement control measures.

If there is no specific workplace violence contract language, other language may be relevant. For instance, many contracts require the employer to provide a safe and healthy workplace. Some contracts also allow the union to grieve any dispute that arises in the workplace.

The union can use different strategies to present their complaint to management. For example, the union can file one "class action" grievance that represents the workplace violence concerns of all employees. Or the union can take the opposite approach by flooding management with many individual grievances, filed by each member affected by workplace violence. Another strategy is for affected workers and union representatives to present the grievance to management. A group presentation demonstrates to management that workers are educated and serious about preventing workplace violence, and demand action.

Conducting Workplace Violence Training Classes

The local union can sponsor training classes for the membership either independently or jointly with management. Training classes can cover such topics as identifying risks of workplace violence, self-defense techniques, conflict resolution skills and stress management. For more information about how to set up a training class, contact your AFSCME staff representative.

Other information may also be available locally. Your area AFL-CIO Community Services Program may have advice on conducting training classes. Local universities and community colleges can be a good resource. Local unions in many states are members of a Committee/Coalition on Occupational Safety and Health (COSH Group), which help local unions with workplace violence issues, especially training. Major metropolitan police departments offer training in self-defense and violence prevention.

Local unions should emphasize to their members and to management that training and education programs are only part of the solution to workplace violence problems. Without enhancing security and implementing controls to minimize the risks for violence, a training program will not adequately protect workers.

No matter how the union files the grievance, be sure to include evidence that supports the union's complaint. Use the documentation collected from surveys, inspections and incident reports. Consider doing research and submitting articles or governmental reports (such as the OSHA Guidelines that are described below) that describe how workplace violence has been effectively addressed in similar workplaces. Collect workers' names on a petition to show management that the union membership is united behind this issue. Include minutes of labor/management meetings or other evidence that shows when the union previously brought the problem to management's attention.

Filing a grievance can empower the union if management refuses to correct the problem. By filing a grievance, the union demonstrates that it will not just take "no" for an answer. The union can use the strength of the contract to support its position.

3. File a Complaint

Another tactic is to contact OSHA, which is the federal agency responsible for ensuring that employers provide a safe and healthy workplace for employees. Workers have the right to file a complaint with OSHA if the employer is not providing safe working conditions. Most state, county and city employers, however, are not bound by OSHA's rules and regulations. Twenty-one states and Puerto Rico have federally approved OSHA programs that cover both private-sector and public employees (AK, AZ, CA, HA, IN, IA, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN, UT, VT, VA, WA, WY). Three states, (CT, NJ, NY) have federally approved state programs that apply only to state and local government workers, while private-sector workers are covered by federal OSHA. Approved state OSHA programs must be at least as effective as the federal program and provide similar protections for workers. Several other states administer job safety laws that are NOT federally approved that cover only state and local government workers.

OSHA is also responsible for issuing regulations, or standards, on workplace safety or health hazards. These are rules the employer is required to follow in order to control workers' exposures to hazards such as chemicals, noise, hepatitis B and safety problems. Many hazards, however, are not covered by standards. Workplace violence is one such hazard.

Although there is no OSHA standard to protect workers from violence, OSHA has cited employers under the general duty clause which requires employers to provide a safe workplace. To sustain a general duty clause violation, OSHA must:

- A. prove the existence of a hazard
- B. show that the hazard is recognized
- C. show that the hazard causes or is likely to cause death or serious physical harm, and
- D. prove the existence of a feasible and effective method to abate the hazard.

Since very few employers have been cited for workplace violence hazards, there is no guarantee that OSHA will issue a citation against the employer. If the union decides to file an OSHA complaint it will need to help OSHA build its case. Building a case involves collecting evidence, meeting with OSHA and writing a formal, written complaint.

Before calling OSHA, the union should gather evidence to support items (A) through (D) detailed below.

A. Prove to OSHA that a hazard exists.

The employer's injury and illness forms (OSHA Log 300) may hold evidence on the extent of violence-related injuries. Grievances, complaints, minutes of health and safety committee meetings, and workers' compensation records may also be evidence that a problem exists. (Refer to Chapter 2 on Hazard Assessment for more information on how to prove that a hazard exists.)

B. Show that the hazard is recognized.

"Recognized" means that the employer has knowledge that violence is a hazard in the workplace and/or that workplace conditions make violence likely. Recognition can also mean that the employer should have knowledge that violence is a problem in the workplace even if the employer does not admit that there is a problem. For example, the employer should know there is a problem because this problem is generally recognized by people working in the field or there have been studies conducted or guidelines have been issued.

Recognition can be proved in the following ways:

- Injury or illness records
- Grievance filed on workplace violence hazards
- Labor/Management Committee or Joint Safety and Health Committee meeting minutes that show that workplace violence issues were discussed
- The employer's internal rules
- Journals or professional articles recognizing violence in this type of workplace
- Injury statistics in the workplace or in the industry in general.

C. Show that the hazard causes or is likely to cause death or serious physical harm.

Workers' compensation records, medical records and incident reports can be used to prove the severity of injuries related to workplace violence. (Consult the sidebar "Types of records to review" in Chapter 2 for more information about analyzing different safety and health records.)

D. Show that a feasible and effective method to abate the hazard exists.

There are different methods to minimize the likelihood of workplace violence. (See Chapter 3 for more information.) Possible methods include:

- An employer's own internal rules and procedures designed to minimize violent incidents
- Methods used in similar facilities
- Employee surveys
- Labor/Management Committee or Health and Safety Committee recommendations
- Articles, studies or guidelines

In 1996, OSHA issued *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers*. These guidelines provide information for employers and employees seeking to develop violence prevention programs. Although these guidelines are not a standard or regulation, they may provide valuable information that can be used to justify general duty clause OSHA citations against the employer.

Once the union has gathered enough documentation to assist OSHA in citing the employer for a general duty clause violation, the union should set up an informal meeting with OSHA to discuss the complaint. At this meeting, OSHA will try to understand the problem and suggest how the union should proceed. After meeting with OSHA, the union should file a formal, written complaint to OSHA. For more assistance on filing an OSHA complaint, contact your AFSCME staff representative or the AFSCME Department of Research and Collective Bargaining Services at (202) 429-1228 or by e-mail at osha@afscme.org.

Remember, however, that OSHA may not cover public employees in your state. Also, in some states, OSHA cannot fine public employers for violations.

4. Negotiating Labor/Management Agreements

Since OSHA does not cover many public employees and there is no workplace violence OSHA standard, unions should negotiate for better and more secure workplaces. Many AFSCME locals have successfully bargained contract language that covers workplace violence issues. (Consult Appendix G for tips on what type of language is most useful as well as sample language on workplace violence.)

In order to be effective at the bargaining table, the union must do its homework. In addition to collecting evidence that workplace violence is a serious problem, the union should also gain the membership's support for negotiations. Raise awareness during conversations, at coffee and lunch breaks, or after work. Make sure workers know why workplace violence is a solvable problem and that the employer has failed to do anything about it.

Negotiating with management on important issues like violence in the workplace helps to build the union and demonstrates the effectiveness of the union. Using contract language can also be a more effective strategy for action than calling in outside agencies like OSHA.

5. Contact the News Media

While the media have been eager to report violence among co-workers, rather than the more common instances of attacks by patients, clients or intruders, the media can be an effective tool. The media can educate the public about real workplace violence and gain support for the local's cause.

When contacting the media, be ready with your story and stick to the facts. Explain why workplace violence should be of concern to the public as well as to the workers, and point out if patients, clients, family members and the general public are at risk for violence if they enter your facility. Pick one or two workers with compelling experiences to talk to reporters. Establish a relationship with reporters and editors to become a regular news source. The union and the employer should establish a contact in the media so that if an incident occurs reporters will first seek information from the union rather than going directly to the victim or victim's family.

Public employers, like others, are often sensitive about their public image and do not like to be embarrassed. Sometimes, the threat of calling the media will make the employer respond. A favorable story may add credibility to the union's case while making the employer look bad.

It is important to remember that reporters and editors can be unpredictable. The story may not come out the way the union expected. In addition, the media has a short attention span. Reporters may not follow-up on the story or be thorough

AFSCME in Action

Parole agents in the state of Illinois Special Intensive Supervision Unit (SISU) won management's agreement on safer vehicles, better bulletproof vests, updated training, radio contact with state police and authorization to carry semi-automatic weapons.

Meetings with the Department of Corrections' deputy director in charge of parole programs led nowhere. The agents, frustrated by department inaction on what they considered to be pressing safety issues, pulled together an AFSCME statewide network. Agents designated a representative in each geographical district for communication purposes. Eventually they gathered the signatures of nearly every SISU agent on a petition that went to the DOC director.

The state committed to:

- Provide new bulletproof vests to 13 agents immediately and inspect all the vests on a yearly basis.
- Provide SISU agents with a way to communicate directly with state police.
- Equip a number of SISU cars with safety cages to protect agents who must bring in parole violators.
- Modify agents' cars for greater safety.
- Get state cars for agents currently using their own vehicles for work.
- Allow agents the option of carrying semi-automatic weapons, purchased on their own, after they pass the state police qualification course.
- Assure full cooperation from supervisory staff when agents feel they need partners in certain dangerous areas.
- Update training with participation of a joint union/management committee.

Should We Call the Police?

The services police can provide depend on the size and sophistication of the police department serving the area. Some police departments have psychologists who will conduct critical incident stress debriefings or other counseling services. Many police departments offer classes in personal protection to employees. Security and police representatives recommend the following:

- If there is no security guard, call the police no matter how insignificant a concern may seem.
- The local Joint Labor/Management Safety and Health Committee (or the union itself) should establish a liaison in the police department to have a personal contact.
- Report (serious) threats and incidents to the police to create a written record.
- Be familiar with stalking laws and educate employees in domestic violence issues.

in reporting all the facts.

6. Picket or Leaflet

Employees who work in a public facility may not be the only ones at risk for workplace violence. Picketing, or distributing leaflets or flyers will let clients, patients and local citizens know that they too may be at risk for violence.

Since picketing is highly visible, it may be a good way to get publicity for the union's cause. Picketing can send a strong message that the union and membership are united in standing up for their rights to a safe workplace.

7. Build a Workplace Violence Coalition

Other organizations concerned about workplace violence may be able to offer valuable technical and political support. Organizations that may be sympathetic include other unions that represent workers doing similar jobs or in the same area, police unions, local chapters of professional associations (such as the National Association of Social Workers), or church leagues located in the vicinity. Also, look for support from others who may be affected by violence, such as parents and family members of patients or clients.

Building coalitions broadens the support for the union's fight to prevent workplace violence. Coalitions may be more successful at gaining publicity since more people are involved in the issue. In addition, coalitions may broaden the public appeal of the issue if more than "just workers" are involved.

8. Apply Political Pressure

Politicians may put pressure on the employer to correct the hazard. The union can urge local, state or national elected officials (especially ones supported by the union) to use their clout to demand that the employer resolve the problem.

ON THE JOB: CASE STUDIES

Housekeeper Raped

Late one night, a university housekeeper was working alone in an area that is closed at night. A stranger asked her for directions, left and then returned and raped and assaulted her. The woman was treated for slash wounds and the rape. At the time of the attack there were no security personnel on the floor.

What Can Be Done?

- Increase security.
- Create a buddy system in which housekeepers work in pairs or teams rather than alone.
- Lock doors after hours.
- Use cell phone or other means of communicating a need for assistance.
- Provide self-defense training.

Social Worker Slain

A female employee of the Department of Social Services was beaten and stabbed to death by a man recently released from a county jail, where he had served time for threatening to kill two social service employees. Shortly before his release, the attacker had told a reporter that “being in this jail has not changed me one little bit.” The body of the social worker was found near her house. Co-workers say that she was singled out by the suspect because she worked for DSS.

What Can Be Done?

- Take threats seriously.
- Increase security after suspect’s release.
- Provide information to workers about threats made against them, their co-workers or their agency.
- Provide workers with tips on how to reduce the risk of being a target of a client’s anger.
- Establish close and on-going communication with local police.

Case Worker Stabbed by Angry Client

In a busy claims office, a social services caseworker was trying to assist a food stamps recipient when he shouted that he hadn’t received his food stamps, pulled out an 8-inch knife from his left sock and lunged at her. She was stabbed three or four times in the chest and shoulders before the screams of about 40 onlookers in the partitioned office alerted two security guards.

AFSCME in Action

In their publication *The Public Sector*, the New York Civil Service Employees Association (CSEA)/AFSCME Local 1000 recommends ways for mental health workers to protect themselves from discipline if a client gets injured while working alone. CSEA developed a form and procedures for members to use when given an assignment without back-up help. If a member is assigned to work alone, CSEA recommends that he or she complete a form and have the supervisor sign it. Workers should also notify the facility security office and ask them to log in that they are working alone.

STEPS TO PROTECT YOURSELF WHEN WORKING ALONE

I am working alone and am notifying management that I cannot be held accountable for the lack of security.

Name: _____

Date: _____

Shift: _____

Facility: _____

Work Location: _____

Number of patients in my charge: _____

Supervisor’s Signature: _____

- If you are required to work alone, have your supervisor sign this form. If your supervisor refuses, note this fact and sign it yourself.
- Give one copy to your supervisor, return one copy to your AFSCME local office and keep one copy.
- Call your facility security office at the start of your shift and ask them to log in that you are working alone.
- If you or any of your patients in your charge get hurt during the shift, note that also.

The incident happened about an hour after the office had opened. The social worker was pinned in a little booth. There was no way she would have been able to get away from her attacker. Guards are told to keep their distance from interview areas because of state rules guaranteeing confidentiality to clients.

What Can Be Done?

- Have a glassed-in interview area where security guards can be close without breaching confidentiality.
- Use metal detectors.
- Use deep counters between clients and workers to make it more difficult to reach workers.
- Ensure at least two means of escape from all interview rooms and client waiting areas.

Prison Employee Held Hostage

A civilian prison employee who worked in the laundry was taken hostage in a maximum security prison. A corrections officer position that would have provided security to that area was eliminated in budget cuts in the last year. The worker was attacked, tied up and held captive for nearly an hour before being released.

What Can Be Done?

- Increase staffing levels.
- Have “man down” or panic alarms.
- Use surveillance cameras.
- Ban working alone.

Psych Tech Assaulted

A technician at a state psychiatric hospital was beaten unconscious by a patient swinging a telephone receiver. The patient had become agitated and refused calming medication after he and others were reprimanded for turning up the volume on the stereo and television set in their unit’s activity room. As the patient’s hostility increased, he began throwing items. He then walked into the nurses’ station, grabbed the phone receiver from the technician (who was calling for back-up), and began beating her on the head.

What Can Be Done?

- Increase staffing levels.
- Use intercom, call button or other means of communicating a need for assistance that cannot be used as a weapon.
- Have a secure nurses’ station.
- Provide training in anger diffusion.

Appendix A:

Workplace Violence Inspection Checklist

This checklist was adapted from “Violence on the Job: A Guidebook for Labor and Management” published by the Labor Occupational Health Program, University of California, Berkeley.

Use this checklist as part of a regular safety and health inspection or audit that is conducted by the joint labor/management safety committee or by the union itself. Although this checklist can be used for any facility, it can also be adapted to meet the local union’s needs. If a question does not apply to the workplace, then write “N/A” (not applicable) in the notes column. Add any other questions that may be appropriate.

Use this inspection checklist to determine which hazards are well controlled and what control measures need to be enhanced. While inspecting the facility for workplace violence hazards, the local union or committee may need to ask workers or investigate in other ways in order to answer some of the checklist questions.

STAFFING

1. Is there someone responsible for building security?

Yes No Sometimes Notes _____

Who is it? _____

2. Are workers told who is responsible for security?

Yes No Sometimes Notes _____

3. Is adequate and trained staffing available to protect workers against assaults or other violence?

Yes No Sometimes Notes _____

4. Is there a “buddy system” to use when workers are in potentially dangerous situations?

Yes No Sometimes Notes _____

5. Are there trained security personnel accessible to workers in a timely manner?

Yes No Sometimes Notes _____

6. Do security personnel have sufficient authority to take all necessary action to ensure worker safety?

Yes No Sometimes Notes _____

7. Are security personnel provided outside the building?

Yes No Sometimes Notes _____

8. Is the parking lot attended or otherwise secure?

Yes No Sometimes Notes _____

9. Are security escorts available to walk employees to and from the parking lot?

Yes No Sometimes Notes _____

TRAINING

1. Are workers trained in the emergency response plan (for example, escape routes, notifying the proper authorities)?

Yes No Sometimes Notes _____

2. Are workers trained to report violent incidents or threats?

Yes No Sometimes Notes _____

3. Are workers trained in how to handle difficult clients or patients?

Yes No Sometimes Notes _____

4. Are workers trained in ways to prevent or defuse potentially violent situations?

Yes No Sometimes Notes _____

5. Are workers trained in personal safety and self-defense?

Yes No Sometimes Notes _____

FACILITY DESIGN

1. Are there enough exits and adequate routes of escape?

Yes No Some Notes _____

2. Can exit doors be opened only from the inside to prevent unauthorized entry?

Yes No Some Notes _____

3. Is the lighting adequate to see clearly in indoor areas?

Yes No Some Notes _____

4. Are there employee-only work areas that are separate from public areas?

Yes No Some Notes _____

5. Is access to work areas only through a reception area?

Yes No Some Notes _____

6. Are reception and work areas designed to prevent unauthorized entry?

Yes No Some Notes _____

7. Could someone hear a worker call for help?

Yes No Some Notes _____

8. Can workers observe patients or clients in waiting areas?

Yes No Some Notes _____

9. Do areas used for patient or client interviews allow co-workers to observe any problems?

Yes No Some Notes _____

10. Are waiting and work areas free of objects that could be used as weapons?

Yes No Some Notes _____

- 11. Are chairs and furniture secured to prevent use as weapons?
 Yes No Some Notes _____
- 12. Is furniture in waiting and work areas arranged to prevent employees from becoming trapped?
 Yes No Some Notes _____
- 13. Are patient or client areas designed to maximize comfort and minimize stress?
 Yes No Some Notes _____
- 14. Is a secure place available for employees to store their personal belongings?
 Yes No Some Notes _____
- 15. Are private, locked restrooms available for staff?
 Yes No Some Notes _____

SECURITY MEASURES

Does the workplace have:

- 1. Physical barriers (Plexiglas partitions, elevated counters to prevent people from jumping over them, bullet-proof customer windows, etc.)?
 Yes No Some Notes _____
- 2. Security cameras or closed circuit TV in high-risk areas?
 Yes No Some Notes _____
- 3. Panic buttons (portable or fixed)?
 Yes No Some Notes _____
- 4. Alarm systems?
 Yes No Some Notes _____
- 5. Metal detectors?
 Yes No Some Notes _____
- 6. X-ray machines?
 Yes No Some Notes _____
- 7. Door locks?
 Yes No Some Notes _____
- 8. Internal phone system to activate emergency assistance?
 Yes No Some Notes _____
- 9. Phones with an outside line programmed to call 911?
 Yes No Some Notes _____
- 10. Two-way radios, pagers or cellular phones?
 Yes No Some Notes _____
- 11. Security mirrors (convex mirrors)?
 Yes No Some Notes _____

12. Secured entry (buzzers)?

Yes No Some Notes _____

13. Personal alarm devices?

Yes No Some Notes _____

OUTSIDE THE FACILITY

1. Do workers feel safe walking to and from the workplace?

Yes No Sometimes Notes _____

2. Are the entrances to the building clearly visible from the street?

Yes No Sometimes Notes _____

3. Is the area surrounding the building free of bushes or other hiding places?

Yes No Sometimes Notes _____

4. Is video surveillance provided outside the building?

Yes No Sometimes Notes _____

5. Is there enough lighting to see clearly outside the building?

Yes No Sometimes Notes _____

6. Are all exterior walkways visible to security personnel?

Yes No Sometimes Notes _____

7. Is there a nearby parking lot reserved for employees only?

Yes No Sometimes Notes _____

8. Is the parking lot free of bushes or other hiding places?

Yes No Sometimes Notes _____

9. Is there enough lighting to see clearly in the parking lot and when walking to the building?

Yes No Sometimes Notes _____

10. Have neighboring facilities and businesses experienced violence or crime?

Yes No Sometimes Notes _____

WORKPLACE PROCEDURES

1. Is public access to the building controlled?

Yes No Sometimes Notes _____

2. Are floor plans posted showing building entrances, exits and location of security personnel?

Yes No Sometimes Notes _____

3. Are these floor plans visible only to staff and not to outsiders?

Yes No Sometimes Notes _____

4. Is other emergency information posted, such as telephone numbers?

Yes No Sometimes Notes _____

5. Are special security measures taken to protect people who work late at night (escorts, locked entrances, etc.)?
 Yes No Sometimes Notes _____
6. Are visitors or clients escorted to offices for appointments?
 Yes No Sometimes Notes _____
7. Are authorized visitors to the building required to wear ID badges?
 Yes No Sometimes Notes _____
8. Are identification tags required for staff (omitting personal information such as the person's last name and Social Security number)?
 Yes No Sometimes Notes _____
9. Are workers notified of past violent acts by particular clients, patients, etc.?
 Yes No Sometimes Notes _____
10. Is there an established liaison with local police?
 Yes No Sometimes Notes _____
11. Are patients or clients in waiting areas clearly informed how to use the department's services so they will not become frustrated?
 Yes No Sometimes Notes _____
12. Are waiting times for patient or client services kept short to prevent frustration?
 Yes No Sometimes Notes _____
13. Are broken windows and locks repaired promptly?
 Yes No Sometimes Notes _____
14. Are security devices (locks, cameras, alarms, etc.) tested on a regular basis and repaired promptly when necessary?
 Yes No Sometimes Notes _____

FIELD WORK

Staffing:

1. Is there adequate staffing in the field?
 Yes No Sometimes Notes _____
2. Are escorts or "buddies" provided for people who work in potentially dangerous situations?
 Yes No Sometimes Notes _____
3. Is assistance provided to workers in the field in a timely manner when requested?
 Yes No Sometimes Notes _____

Training:

1. Are workers briefed about the area in which they will be working (gang colors, neighborhood culture, language, drug activity, etc.)?
 Yes No Sometimes Notes _____

2. Can workers effectively communicate with people they meet in the field (same language, etc.)?
 Yes No Sometimes Notes _____

3. Are people who work in the field late at night or early mornings advised about special precautions to take?
 Yes No Sometimes Notes _____

Work Environment:

1. Is there enough lighting to see clearly in all areas where workers must go?
 Yes No Sometimes Notes _____

2. Are there safe places for workers to eat, use the restroom, store valuables, etc.?
 Yes No Sometimes Notes _____

3. Are there places where workers can go for protection in an emergency?
 Yes No Sometimes Notes _____

4. Is safe parking readily available for workers in the field?
 Yes No Sometimes Notes _____

Security Measures:

1. Are employees provided two-way radios, pagers or cellular phones?
 Yes No Sometimes Notes _____

2. Are employees provided with personal alarm devices or portable panic buttons?
 Yes No Sometimes Notes _____

3. Are vehicle door and window locks controlled by the driver?
 Yes No Sometimes Notes _____

4. Are vehicles equipped with physical barriers (Plexiglas partitions, etc.)?
 Yes No Sometimes Notes _____

Work Procedures:

1. Are workers given maps and good directions covering the areas where they will be working?
 Yes No Sometimes Notes _____

2. Are workers given alternative routes to use in neighborhoods with a high crime rate?
 Yes No Sometimes Notes _____

Workplace Violence Inspection Checklist (7)

3. Does a policy exist to allow workers to refuse service to clients or customers (in the home, etc.) in a hazardous situation?
 Yes No Sometimes Notes _____
4. Has a liaison with the police been established?
 Yes No Sometimes Notes _____
5. Do workers avoid carrying unnecessary items, which someone could use as a weapon against them?
 Yes No Sometimes Notes _____
6. Is a safe vehicle or other transportation provided by the employer for use in the field?
 Yes No Sometimes Notes _____
7. Are vehicles used in the field routinely inspected and kept in good working order?
 Yes No Sometimes Notes _____
8. Is there always someone who knows where each worker is?
 Yes No Sometimes Notes _____
9. Are name tags required for workers in the field (omitting personal information such as last name and Social Security number)?
 Yes No Sometimes Notes _____
10. Are workers notified of past violent acts by particular clients, patients, etc.?
 Yes No Sometimes Notes _____

Are special precautions taken when workers:

1. Perform "enforcement" functions (parking control officers, inspectors, etc.)?
 Yes No Sometimes Notes _____
2. Have to take something away from people (remove children from the home, turn off utilities, etc.)?
 Yes No Sometimes Notes _____
3. Have contact with people who behave violently?
 Yes No Sometimes Notes _____

4. Use vehicles or wear clothing marked with the name of an organization that the public may strongly dislike?
 Yes No Sometimes Notes _____
5. Perform duties inside people's homes?
 Yes No Sometimes Notes _____
6. Have contact with dangerous animals (dogs, etc.)?
 Yes No Sometimes Notes _____

Appendix B:

AFSCME SURVEY OF VIOLENCE IN THE WORKPLACE

PERSONAL AND WORKPLACE INFORMATION:

1. What is your job title? _____

2. How large is your workplace (# of employees)?

3. Who is your employer?

4. How long have you been working at your
current job? _____ years

5. Employment status (check one):
 Full-time Part-time

FACILITY DESIGN AND FIELD WORK:

6. Is access to office areas/employees' work-
stations restricted to only authorized staff and
escorted guests?
 Yes No Don't know

7. Are all areas that employees walk through
(e.g., parking lots, hallways, stairwells, etc.)
secure and well lit?
 Yes No

8. Do you conduct home visits or field work?
 Yes No

9. Are employees who conduct field work
provided with personal alarm systems, beep-
ers, phones or other means of directly com-
municating a need for assistance?
 Yes No Don't know

10. How can security be improved at your
workplace or in the field (e.g., better lighting,
more security personnel, metal detectors)?

TRAINING

11. Have you received any employer-sponsored
training on how to deal with potentially vio-
lent situations?

Yes No

If yes, has your training prepared you to deal
with violent situations that may arise in your
working environment?

Yes No Don't know

EMPLOYER POLICIES

12. Is there a violence prevention program at
your workplace?

Yes No Don't know

13. Does your workplace have a written policy
concerning violence?

Yes No Don't know

If yes, have you read it?

Yes No

14. Is there a program to provide support for
employees who are victims of violence?

Yes No Don't know

15. Is there counseling available for (please
check all that apply):

victims of assaults?

- those who were witnesses?
- those who are concerned?
- don't know.

- Threat of personal property damage.
- Threat to injure or kill your family.
- Other

VIOLENT INCIDENTS

16. Have you ever been harassed at your current job?

- Yes No

If yes, who harassed you (check one)?

- Client Inmate
- Patient Resident
- Stranger
- Relative or friend of patient/client/inmate
- Co-worker (or former co-worker)
- Manager/supervisor
- Spouse/lover (or former spouse/lover)
- Other _____

If yes, please describe:

17. Have you ever been threatened at your current job?

- Yes No

If yes, who threatened you (check one)?

- Client Inmate
- Patient Resident
- Stranger
- Relative or friend of patient/client/inmate
- Co-worker (or former co-worker)
- Manager/supervisor
- Spouse/lover (or former spouse/lover)
- Other _____

If yes, please describe the nature of the threat:

- Threat to injure or kill you.

18. Have you ever been physically assaulted at your current job?

- Yes No

(if no, proceed to question #27)

19. Who physically assaulted you (check one)?

- Client Inmate
- Patient Resident
- Stranger
- Relative or friend of patient/client/inmate
- Co-worker (or former co-worker)
- Manager/supervisor
- Spouse/lover (or former spouse/lover)
- Other _____

20. Please describe:

Grabbed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Slapped: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Pushed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Kicked: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with a fist: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with an object: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Knifed (or attempted): Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Other (please specify):

21. Where did your most recent violent incident occur?

- Office
- Parking lot
- Client's residence
- While traveling to or from a client visit
- Other (please specify):

22. Were you alone when you were assaulted?
 Yes No

23. What was the extent of your most recent injury (check all that apply)?

- Cuts
- Bruises
- Broken bones
- Internal injury
- Psychological trauma
- Other (please specify):

24. Did you seek medical attention for your most recent injury?

- Yes No

25. Did you need to stay overnight in a hospital for your most recent injury?

- Yes No

26. Did you lose time from work as a result of your most recent injury(s)?

- Yes No

If yes, how many days: _____

27. Did you ever report an incident (harassment, threat, or physical assault) to management?

- Yes No

If yes, describe how management responded and what actions were taken.

PERSONAL OPINION

28. On a scale of 1 to 10 (1 = not worried, 10 = very worried), how concerned are you about your personal safety at work? Please circle one.

1 2 3 4 5 6 7 8 9 10
(not worried) (very worried)

29. On a scale of 1 to 10 (1 = not prepared, 10 = very prepared), how prepared do you feel to handle a violent situation (i.e., physical injury, threat or harassment)?

1 2 3 4 5 6 7 8 9 10
(not prepared) (very prepared)

30. On a scale of 1 to 10 (1 = not committed, 10 = very committed), how would you rate your employer's commitment to preventing workplace violence?

1 2 3 4 5 6 7 8 9 10
(not committed) (very committed)

31. Have you seriously considered changing your occupation due to violent incidents you were involved in, witnessed or knew about?
 Yes No

Additional comments:

Thank you for taking the time to fill out this survey. The deadline for completing this survey is _____

PLEASE RETURN COMPLETED SURVEY TO:

Appendix C:

AFSCME SURVEY OF VIOLENCE IN THE WORKPLACE for CORRECTIONS OFFICERS

PERSONAL AND WORKPLACE INFORMATION:

1. Gender: Male Female

2. In what state is your facility located?

3. Who runs your facility (check one)?

- County State
 City Private company

4. How many employees work in your facility?

5. How long have you been working at your current job? _____ years

6. How long have you been working as a corrections employee? _____ years

7. What is the security level of your current facility (check one):

- Minimum Maximum
 Super maximum Other
 Combination

8. What is the facility's inmate capacity?

_____ inmates

9. Is your facility over capacity?

- Yes No Parts of it

If yes, by how much? _____ inmates

10. How old is the facility?

_____ years

11. Is the facility automated?

- Yes No Parts of it

TRAINING

12. Have you received any employer-sponsored training on how to deal with potentially violent situations?

- Yes No

If yes, has your training prepared you to deal with violent situations that may arise in your working environment?

- Yes No Parts of it

EMPLOYER POLICIES

13. Does your facility have written procedures to be followed in the event of a violent assault against an officer?

- Yes No Don't know

If yes, have you been trained in the procedures?

- Yes No Don't know

Does your facility always follow the procedures?

- Yes No Don't know

14. Is there a program to provide support for employees who are victims of violence?

- Yes No Don't know

15. Is there counseling available for (please check all that apply):

- victims of assaults?
 those who were witnesses?
 those who are concerned?
 don't know.

16. What do you consider to be the 3 most important risk factors for violence in your facility? (Number from 1 to 3, with 1 being the most important)

- Staffing shortages
- Inadequate or ineffective training
- Lack of experience of co-workers
- Poor management
- Bad policies;
- Unsafe equipment
- Safety equipment not always accessible
- Identity of most violent inmates not communicated to officers
- Age of facility
- Overcrowding
- Other

17. How can security be improved at your workplace?

VIOLENT INCIDENTS

18. Have you ever been threatened by an inmate at your current job?

- Yes No

If yes, please describe the nature of the threat:

- Threat to injure you.
- Threat of personal property damage.
- Threat to injure or kill your family.
- Other

19. Have you ever been physically assaulted by an inmate at your current job?

- Yes No (if no, proceed to question #27)

20. If yes, please describe:

Grabbed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Slapped: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Pushed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Kicked: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with a fist: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with an object: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Knifed (or attempted): Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Shot (or attempted): Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Other (please specify):

21. Where did your most recent violent incident occur?

22. Were you alone when you were assaulted?

- Yes No Don't know

23. What was the extent of your most recent injury (check all that apply)?

- Cuts
 Bruises
 Broken bones
 Internal injury
 Psychological trauma
 Other (please specify):

24. Did you require medical attention for your most recent injury?

- Yes No

25. Did you need to stay overnight in a hospital for your most recent injury?

- Yes No

26. Did you lose time from work as a result of your most recent injury(s)?

- Yes No

If yes, how many days: _____

27. Did you ever report an incident (threat or physical assault) to management?

- Yes No

If yes, describe how management responded and what actions were taken?

PERSONAL OPINION

28. On a scale of 1 to 10 (1 = not worried, 10 = very worried), how concerned are you about your personal safety at work?

- 1 2 3 4 5 6 7 8 9 10
(not worried) (very worried)

29. On a scale of 1 to 10 (1 = not prepared, 10 = very prepared), how prepared do you feel to handle a violent situation (i.e., physical injury, threat or harassment)?

- 1 2 3 4 5 6 7 8 9 10
(not prepared) (very prepared)

30. On a scale of 1 to 10 (1 = not committed, 10 = very committed), how would you rate your employer's commitment to preventing workplace violence?

- 1 2 3 4 5 6 7 8 9 10
(not committed) (very committed)

31. Have you seriously considered changing your occupation due to violent incidents you were involved in, witnessed or knew about?

- Yes No

32. Additional comments:

Thank you for taking the time to fill out
this survey. The deadline for completing this
survey is _____

PLEASE RETURN COMPLETED SURVEY TO:

Appendix D:

AFSCME SURVEY OF VIOLENCE IN THE WORKPLACE for HEALTH CARE WORKERS

PERSONAL AND WORKPLACE INFORMATION:

1. Which title most closely describes your job
(check one)?

- Registered nurse
 - Licensed practical nurse
 - Nurses' aide/Orderly
 - Housekeeper/Custodian
 - Food service worker
 - Technician
 - Public health nurse
 - Home health care worker
 - Emergency worker
 - Other
-

2. How large is your workplace
(# of employees)?

3. In what type of facility do you work?
 Hospital (which department?)

- Clinic
 - Community health center
 - Nursing home
 - Private residences
 - Psychiatric facility
 - Other
-

4. Who runs your facility?

- County
- State
- City
- Private company

5. How long have you been working at your
current job? (m/yr): _____/_____

6. How long have you been working in health
care? (m/yr): _____/_____

7. Employment status (check one):
 Full-time Part-time

8. Number of hours weekly you spend in
direct patient contact:
(hrs/wk): _____/_____

FACILITY DESIGN AND FIELD WORK:

9. Is access to office areas/employees' worksta-
tions restricted to only authorized staff and
escorted patients?
 Yes No Don't know

10. Are all areas that employees walk through
(e.g., parking lots, hallways, stairwells, etc.)
secure and well lit?
 Yes No

11. Do you conduct home visits or field work?
 Yes No

12. Are employees who conduct field work
provided with personal alarm systems, beep-
ers, phones or other means of directly commu-
nicating a need for assistance?
 Yes No Don't know

13. How can security be improved at your workplace or in the field (e.g., better lighting, more security personnel, metal detectors)?

TRAINING

14. Have you received any employer-sponsored training on how to deal with potentially violent situations?

- Yes No

If yes, has your training prepared you to deal with violent situations that may arise in your working environment?

- Yes No Don't know

EMPLOYER POLICIES

15. Is there a violence prevention program at your workplace?

- Yes No Don't know

16. Does your workplace have a written policy concerning violence?

- Yes No Don't know

If yes, have you read it?

- Yes No

17. Is there a program to provide support for employees who are victims of violence?

- Yes No Don't know

18. Does your employer provide information and guidelines on clients/patients or neighborhoods with a history of violence?

- Yes No Don't know

19. Does your employer allow you to withhold services or ask for accompaniment (by a co-worker or law enforcement) when you fear for your safety?

- Yes No Don't know

20. Is there counseling available for (please check all that apply):

- victims of assaults?
 those who were witnesses?
 those who are concerned?
 don't know.

VIOLENT INCIDENTS

21. Have you ever been harassed by a patient at your current job?

- Yes No

If yes, please describe:

22. Have you ever been threatened by a patient at your current job?

- Yes No

If yes, please describe the nature of the threat:

- Threat to injure you.
 Threat of personal property damage.
 Threat to injure or kill your family.
 Other

23. Have you ever been physically assaulted by a patient at your current job?

Yes No (if no, proceed to question #30)

If yes, please describe:

Grabbed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Slapped: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Pushed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Kicked: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with a fist: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with an object: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Knifed (or attempted): Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Other (please specify):

24. Where did your most recent violent incident occur?

Patient's room

Facility parking lot

Patient's residence

While traveling to or from a patient visit

Other (please specify):

25. Were you alone when you were assaulted?

Yes No

26. What was the extent of your most recent injury (check all that apply)?

Cuts

Bruises

Broken bones

Internal injury

Psychological trauma

Other (please specify):

27. Did you seek medical attention for your most recent injury?

Yes No

28. Did you need to stay overnight in a hospital for your most recent injury?

Yes No

29. Did you lose time from work as a result of your most recent injury(s)?

Yes No

If yes, how many days: _____

Appendix E:

AFSCME SURVEY OF VIOLENCE IN THE WORKPLACE for SOCIAL SERVICE WORKERS

PERSONAL AND WORKPLACE INFORMATION:

1. Which title most closely describes your work (check one)?

- Social Worker Caseworker
 Welfare Worker Family Services
 Other

2. How large is your workplace (# of employees)?

3. What agency do you work for?

4. What department do you work for?

5. How long have you been working at your current job?

_____ years

6. How long have you been working in social services?

_____ years

7. Employment status (check one):

- Full-time Part-time

8. Number of hours weekly you spend in direct client contact: _____ hrs/wk

FACILITY DESIGN AND FIELD WORK:

9. Is access to office areas/employees' workstations restricted to only authorized staff and escorted clients?

- Yes No Don't know

10. Are all areas that employees walk through (e.g., parking lots, hallways, stairwells, etc.) secure and well lit?

- Yes No

11. Do you conduct home visits or field work?

- Yes No

12. Are employees who conduct field work provided with personal alarm systems, beepers, phones or other means of directly communicating a need for assistance?

- Yes No Don't know

13. How can security be improved at your workplace or in the field (e.g., better lighting, more security personnel, metal detectors)?

TRAINING

14. Have you received any employer-sponsored training on how to deal with potentially violent situations?

- Yes No

If yes, has your training prepared you to deal with violent situations that may arise in your working environment?

- Yes No Don't know

EMPLOYER POLICIES

15. Is there a violence prevention program at your workplace?

- Yes No Don't know

16. Does your workplace have a written policy concerning violence?

- Yes No Don't know

If yes, have you read it?

- Yes No

17. Is there a program to provide support for employees who are victims of violence?

- Yes No Don't know

18. Is there counseling available for (please check all that apply):

- victims of assaults?
- those who were witnesses?
- those who are concerned?
- don't know.

19. Does your employer provide information and guidelines on clients/patients or neighborhoods with a history of violence?

- Yes No Don't know

20. Does your employer allow you to withhold services or ask for accompaniment (by a co-worker or law enforcement) when you fear for your safety?

- Yes No Don't know

VIOLENT INCIDENTS

21. Have you ever been harassed by a client at your current job?

- Yes No

If yes, please describe:

22. Have you ever been threatened by a client at your current job?

- Yes No

If yes, please describe the nature of the threat:

- Threat to injure you.
- Threat of personal property damage.
- Threat to injure or kill your family.
- Other

23. Have you ever been physically assaulted by a client at your current job?

- Yes No (if no, proceed to question #30)

If yes, please describe:

Grabbed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Slapped: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Pushed: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Kicked: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with a fist: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Hit with an object: Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Knifed (or attempted): Yes No

If yes, on how many occasions? _____

Most recent occurrence (m/yr): _____/_____

Other (please specify):

24. Where did your most recent violent incident occur?

- Agency office
- Agency parking lot
- Client's residence
- While traveling to or from a client visit
- Other (please specify):

25. Were you alone when you were assaulted?

- Yes No

26. What was the extent of your most recent injury (check all that apply)?

- Cuts
- Bruises
- Broken bones
- Internal injury
- Psychological trauma
- Other (please specify):

27. Did you seek medical attention for your most recent injury?

- Yes No

28. Did you need to stay overnight in a hospital for your most recent injury?

- Yes No

29. Did you lose time from work as a result of your most recent injury(s)?

- Yes No

If yes, how many days: _____

30. Did you ever report an incident (harassment, threat or physical assault) to management?

- Yes No

If yes, describe how management responded and what actions were taken?

PERSONAL OPINION

PLEASE RETURN COMPLETED SURVEY TO:

31. On a scale of 1 to 10 (1 = not worried, 10 = very worried), how concerned are you about your personal safety at work?

1 2 3 4 5 6 7 8 9 10
(not worried) (very worried)

32. On a scale of 1 to 10 (1 = not prepared, 10 = very prepared), how prepared do you feel to handle a violent situation (i.e., physical injury, threat or harassment)?

1 2 3 4 5 6 7 8 9 10
(not prepared) (very prepared)

33. On a scale of 1 to 10 (1 = not committed, 10 = very committed), how would you rate your employer's commitment to preventing workplace violence?

1 2 3 4 5 6 7 8 9 10
(not committed) (very committed)

34. Have you seriously considered changing your occupation due to violent incidents you were involved in, witnessed or knew about?

Yes No

35. Additional comments:

Thank you for taking the time to fill out this survey. The deadline for completing this survey is _____.

Appendix F:

Workplace Violence Incident Report Form

This incident report was adapted from “Violence on the Job: A Guidebook for Labor and Management” published by the Labor Occupational Health Program, University of California, Berkeley.

As soon as reasonably possible, the local union representative should document incidents (or even close calls) of workplace violence. Workers who were involved in the incident as well as any workers who may have witnessed what happened should be interviewed. This form may be completed by the worker involved in the incident or the union representative.

PERSONAL INFORMATION

1. Name (optional) _____

2. Job title _____

3. Facility/employer address _____

Male Female

4. Years in current job _____

INCIDENT DESCRIPTION

5. Date incident occurred _____

6. Time incident occurred _____

7. Location where incident occurred
(be specific)

8. Describe the incident _____

9. Type of incident (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Grabbed | <input type="checkbox"/> Pushed |
| <input type="checkbox"/> Slapped | <input type="checkbox"/> Kicked |
| <input type="checkbox"/> Scratched | <input type="checkbox"/> Hit with fist |
| <input type="checkbox"/> Hit with object | <input type="checkbox"/> Bitten |
| <input type="checkbox"/> Knifed (or attempted) | |
| <input type="checkbox"/> Shot (or attempted) | |
| <input type="checkbox"/> Sexually assaulted | |
| <input type="checkbox"/> Assaulted with weapon | |
| <input type="checkbox"/> Threatened with weapon | |
| <input type="checkbox"/> Verbally harassed | <input type="checkbox"/> Verbally threatened |
| <input type="checkbox"/> Bomb threat | <input type="checkbox"/> Animal attack |
| <input type="checkbox"/> Robbery | |
| <input type="checkbox"/> Vandalism (employer's property) | |
| <input type="checkbox"/> Vandalism (own property) | |
| <input type="checkbox"/> Arson | <input type="checkbox"/> Other |

10. What type of weapon was used? How was the weapon obtained?

11. Were you working alone? If no, who was with you that may have witnessed the incident?

12. Was security personnel on duty at the time of the assault? If yes, was security notified? Did security respond? When?

13. Who threatened or assaulted you?

- Client/customer Patient
- Parent Student
- Family/friend of client or patient
- Co-worker Supervisor/manager
- Stranger Passenger
- Person in custody Animal
- Spouse or partner
- Former spouse or partner
- Robber/burglar Other

14. Were any threats made before the incident occurred? If yes, did you ever report to your supervisor or manager that you were threatened, harassed or suspicious that the attacker may become violent?

INCIDENT ANALYSIS

15. Has this type of incident occurred before at the workplace? _____

16. What do you think were the main factors that contributed to the incident?

17. What could have prevented or at least minimized the damage caused by this incident?

POST-INCIDENT RESPONSE

18. Did you require medical attention as a result of the incident?

19. Did you miss work as a result of the incident?

20. Did you apply for workers' compensation?

21. Was the incident reported to a supervisor or manager?

22. Was a police report filed?

23. Was immediate counseling provided to affected employees and witnesses who desired it?

24. Was critical incident debriefing provided to all affected staff who desired it?

25. Was post-trauma (follow-up) counseling provided to all affected staff who desired it?

26. Was all counseling provided by a professional counselor?

27. Was the counseling effective? _____

28. Was the victim advised about legal rights?

Report completed by

Department/Job Title/Union Position

Date _____

Phone number _____

E-mail: _____

Appendix G:

Workplace Violence Contract Language

Negotiating contract language that makes the employer responsible for protecting workers from threats and assaults can be very effective in addressing workplace violence issues — particularly in those states where public employees are not covered by OSHA regulations. A “general duty clause” requires the employer to provide a safe and healthful workplace to its employees. To make this language more specific to workplace violence issues, the word “secure” could be added to the “general duty clause.”

The Employer shall provide a safe, healthful, and secure workplace.

Contract language that requires the employer to implement a comprehensive workplace violence prevention program can also be negotiated. If the contract is not due to expire soon, this language, in the mean time, could be used as the basis of a “memorandum of understanding” or other negotiated document that later could be incorporated into the contract. The contract language may also include the employer’s and union’s commitment to jointly address workplace violence issues.

The Employer, in cooperation with the Union, shall develop a comprehensive workplace violence prevention program that includes:

1. methods for identifying work practices and environmental factors that may lead to violence;
2. procedures for implementing controls that will reduce the risks for violence, including training employees;
3. procedures for responding to violence if it occurs; and,
4. the provision of support to staff who have experienced violence.

More specific workplace violence contract language can be negotiated in addition to the general duty clause and workplace violence prevention program. Contract language that targets specific occupations, such as correctional officers or social services workers, may also be useful. The following types of workplace violence contract language are options:

Staffing

In situations where a significant risk of violence has been identified, an adequate level of trained and permanent staff must be provided to cope with the level of demand generated by patients, clients, and their relatives and friends.

Security

The Employer agrees to maintain reasonably secure parking facilities for all employees. Security will be provided for employees who work at night and on weekends.

Counseling

The Employer shall provide employees appropriate and adequate Critical Incident Stress Debriefing (CISD). CISD is to be used for critical job-related incidents including, but not limited to, mass casualty, work peer suicide, serious work injury, and/or work-related death of co-workers.

Leave

Should an assault on a member occur and if it results in loss of time, the employee shall be paid in full for a period not to exceed six (6) months, and such paid absence shall not be deducted from any sick leave to which such employee is entitled under this Agreement. Employees who, during the performance of their duties, are seized, detained by force or threat shall, immediately after

the incident, be granted a reasonable period of administrative leave with pay to recover from the immediate impact of any physical or psychological harm caused by the action.

Training

The Employer will provide employees training in techniques in recognizing potentially violent situations/behavior, defusing violent situations, and protecting themselves. The Employer will provide annual refresher training.

Appendix H:

The New York State Workplace Violence Prevention Act

*Signed June 7, 2006
Effective on October 5, 2006*

AN ACT to amend the labor law, in relation to requiring public employers to develop and implement programs to prevent workplace violence:

Section 1. Legislative findings

The legislature finds and declares that workplace assaults and homicides are a serious public health problem that demands the attention of the state of New York. During the last decade, homicide was the third leading cause of death for all workers and the leading cause of occupational death for women workers. Workplace violence presents a serious occupational safety hazard for workers, but many employers and workers may be unaware of the risk. Moreover, the hazard of workplace violence is not currently addressed by any specific federal or state statute and regulation. It is critical to the maintenance of a productive workforce that employers and workers evaluate their workplaces to determine the risk of violence and to develop, and implement programs to minimize the hazard. Experience has shown that when employers evaluate the safety and health hazards in their workplaces and implement employee protection programs, the incidence of workplace injuries is reduced. The legislature, therefore, further finds and declares that the public health, safety and welfare would be advanced by enactment of a law to require that employers develop and implement workplace violence protection programs designed to minimize the danger to employees of workplace violence.

2. The labor law is amended by adding a new section 27-b to read as follows:

27-b. Duty of public employers to develop and implement programs to prevent workplace violence.

1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees.

2. Definitions. For the purposes of this section: a. "Employer" means: (1) the state; (2) a political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law; and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.

b. "Employee" means a public employee working for an employer.

c. "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.

d. "Supervisor" means any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.

e. "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

3. Risk evaluation and determination.

Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

- a. working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers);
- b. working late night or early morning hours;
- c. exchanging money with the public;
- d. working alone or in small numbers;
- e. uncontrolled access to the workplace; and
- f. areas of previous security problems.

4. Written workplace violence prevention program.

Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

- a. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;
- b. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:
 1. making high-risk areas more visible to more people;

2. installing good external lighting;
3. using drop safes or other methods to minimize cash on hand;
4. posting signs stating that limited cash is on hand;
5. providing training in conflict resolution and nonviolent self-defense responses; and
6. establishing and implementing reporting systems for incidents of aggressive behavior.

5. Employee information and training.

a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention program available, upon request, to its employees, their designated representatives and the department.

b. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:

1. employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section; and
2. employee training shall include at least:
 - a. the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices, and
 - b. the details of the written workplace violence prevention program developed by the employer.

6. Application.

a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

b. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.

c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is

no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.

d. The authority of the commissioner to inspect a premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.

e. No employer shall take retaliatory action against any employee because the employee does any of the following:

1. makes an application pursuant to paragraph a of this subdivision;
2. requests an inspection as authorized in paragraph b of this subdivision;
3. accompanies the commissioner as authorized in paragraph c of this subdivision;

f. The commissioner may, upon his or her own initiative, conduct an inspection of any premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.

g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.

h. When a request for an inspection has been made in a situation where there is an allega-

tion of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

§ 3. The provisions of this act shall not diminish the rights of employees pursuant to any law, rule, regulation or collective bargaining agreement.

§ 4. Nothing in this act shall change or alter an agency's obligation to comply with workplace safety standards as set forth by the joint commission on accreditation of healthcare organizations. Any provision of this act which jeopardizes an agency's receipt of federal Medicaid and Medicare reimbursement shall be null and void with regard to such agency.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

Appendix I:

Resources

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National Institute for Occupational Safety and Health, *Violence in the Workplace: Risk Factors and Prevention Strategies*, Washington, DC: U.S. Department of Health and Human Services, 1996 (Also available on the Internet at: www.cdc.gov/niosh)

Occupational Safety and Health Administration, *Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers*, Washington, DC: U.S. Department of Labor, 1996

Rogers, Kimberly-Ann, *Preventing and Responding to Violence at Work*, Geneva: International Labour Office, 2003

Thornton, Robert L., *New Approaches to Staff Safety, 2nd edition*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2002

Wise, Patricia, *Understanding and Preventing Workplace Retaliation*, Washington, DC: Thompson Publishing Group, 2000



**American Federation of State, County
and Municipal Employees, AFL-CIO**
1625 L Street, N.W.
Washington, D.C. 20036-5687

www.afscme.org

Gerald W. McEntee,
International President

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