Workplace Violence

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If you have questions during the presentation

- **This presentation is not being recorded**

- **Please use Q & A function, <u>not</u> Chat**

- **Presentation will be available later this week at https://oshaedne.com/ne-roundtable-presentations**

- **www.osha.gov/workplace-violence**

- **www.osha.gov/faq**

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OSHA & Presenter Disclaimer

- This Compliance Assistance product is not a standard or regulation, and it creates no new legal obligations.

- The Compliance Assistance product is advisory in nature, informational in content, and is intended to assist employers in providing a safe and healthful workplace.

- Pursuant to the Occupational Safety and Health Act, employers must comply with safety and health standards promulgated by OSHA or by a State with an OSHA-approved State Plan.

- In addition, pursuant to Section 5(a)(1), the General Duty Clause of the Act, employers must provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

- Employers can be cited for violating the General Duty Clause if there is a recognized hazard and they do not take reasonable steps to prevent or to abate the hazard.

- However, failure to implement these recommendations is not, in itself, a violation of the General Duty Clause. Citations can only be based on standards, regulations, and the General Duty Clause.

- Employers and employees in States with OSHA-approved State plans should contact the State for specific information on State requirements which may differ from Federal requirements.

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WPV Presentation Roadmap

- Definition of workplace violence

- OSHA's role

- Common types of violence

- High-risk industries

- Known risk factors

- Assessing the hazards in different settings

- Control methods

What is Workplace Violence?

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

OSHA uses the NIOSH definition of workplace violence:

"Violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty."

Workplace Violence

- Leading cause of death for women at work.

- Approx. 124,000 violent incidents each year for all workers.

- 791 deaths due to workplace violence in 2022; 524 were workplace homicides.

5,486 workers were killed on the job in 2022

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WPV is Without Limits

- It ranges from threats and verbal abuse to physical assaults and even homicide.

- It can affect and involve employees, clients, customers and visitors.

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Coverage of the OSH Act

Extends to all employers / employees in all 50 states, District of Columbia, Puerto Rico and other territories

Applies to every private sector employer with one or more employees – (includes federal employees too)

OSHA does not cover public sector (state and municipal) employees

OSHA's Role

- Recognized safety & health issue for many years
- Guidelines and recommendations for certain industries
- 1996 published Guidelines for Preventing WPV for Health Care and Social Service Workers (3148) – *Updated in 2016*
- 1998 published Recommendations for WPV Prevention Programs in Late-Night Retail Establishments (3153) – *Updated in 2009*
- Workplace Violence OSHA Safety and Health Topics Page

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Enforcement

There are currently no specific standards for workplace violence.

- However, under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act (OSHA) of 1970, employers are required to provide their employees with a place of employment that "is free from recognized hazards that are causing or likely to cause death or serious harm to employees."

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Employer Responsibility

The courts have interpreted OSHA's general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard.

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What prompts an OSHA WPV inspection?

- Complaints

- Fatalities and employer-reported severe injuries

- Referrals- Medical Examiners, Police & Fire, Media

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Types of WPV Inspections

security 2%

transportation 1%

retail 14%

other 20%

health 63%

WPV Inspections 2012-2023

Slide 14

New England: Workplace Violence

NAICS624	INDUSTRY	# OF INSPECTIONS
622110	General Medical & Surgical Hospitals	4
622310	Specialty Hospitals	1
623210/623220	Residential Intellectual & Development Disability Facilities	3
623312	Assisted Living for the Elderly	1
621610	Home Healthcare Services	1
622210	Mental Health /Substance Abuse Hospitals	1
624110	Services for Children with Disabilities	1
611699	All Other Miscellaneous Schools and Instruction	1
561612	Security Guards and Patrol Services	1
532289	All Other Consumer Goods Rental	1
491110	Postal Service	2
485210	Interurban and Rural Bus Transportation	1
447110	Gasoline Stations with Convenience Stores	2
311710	Seafood Product Preparation and Packaging	1
722513	Limited Service Restaurants	1

Classification types of Workplace Violence

- Researchers often classify the types of workplace violence by _"examining the relationship"_ between the perpetrator and the target of the workplace violence.

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Type 1 – Criminal Intent

- This type of violence focuses on violent acts by people who enter the workplace to commit a robbery or other crime.

- OSHA may initiate inspections at late-night retail facilities that include this type of violence.

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Type 2 – Customer/Client/Patients

- This type of violence is directed at employees by customers, clients, patients, students, inmates or any others to whom the employer provides a service.

- OSHA may initiate an inspection in response to these types of incidents, especially when they occur at healthcare, social service and prison and detention facility settings and during taxi transport.

Type 3 & Type 4

- Type 3 (Coworker) violence is targeted toward co-workers, supervisors, or managers by a current or former employee, supervisor, or manager.

- Type 4 (Personal) violence is by someone who is not an employee, but who knows or has a personal relationship with an employee at a workplace.

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OSHA generally will not initiate an inspection in cases of co-worker or personal threats of violence.

- In these cases, the Area Office will evaluate whether an inspection is appropriate on a _case-by-case basis._

- **Among the factors to consider are:**

  – (1) whether the incident was _foreseeable_, that is whether the incidents of co-worker violence are _ongoing_ and/or escalating and whether the employer has taken steps to address the hazard; and

  – (2) if foreseeable, the severity of the incidents.
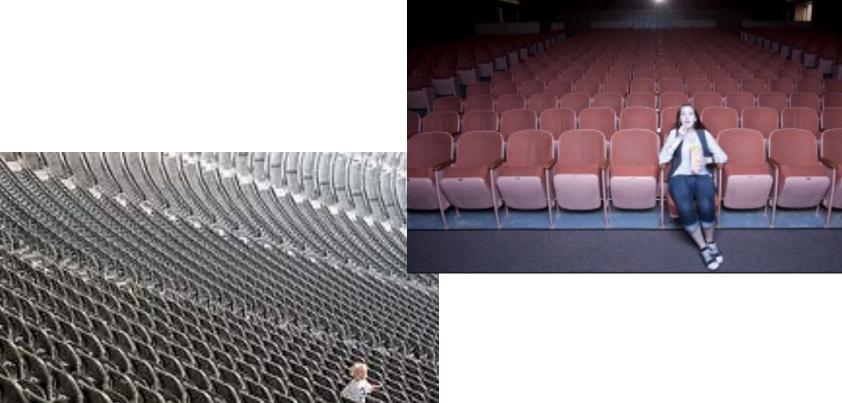
Risk Factors

Handling Cash

Contact with the public

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Few People

Night Time Work

Poor Visibility

Easy Escape

Occupations at the Greatest Risk

- Health Care / Assisted Living
- Drivers (taxi/chauffeurs)
- Law enforcement
- Hotel clerks
- Gas station workers
- Security guards
- Store managers
- Bartenders

Nearly 2 million American workers report having been victims of workplace violence each year.

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OSHA-Identified High Risk Industries

a. Correctional Facilities

b. Healthcare and Social Service Settings

c. Late-Night Retail

d. Taxi Driving

Correctional Facilities

- Prisons

- Detention centers, and

- Jails

(where OSHA has coverage under the Act)

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Healthcare and Social Service Settings

- **Hospitals**
- **Residential Treatment**
- **Nonresidential Treatment Services**
- **Community Care**
- **Field Work (Home Healthcare, Social Service)**

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Healthcare and social service workers face an increased risk of work-related assaults resulting primarily from violent behavior of their patients, clients and/or residents.

Healthcare workers
face significant risks of job-related violence

While under 20% of all workplace injuries happen to healthcare workers...

Healthcare workers suffer 50% of all assaults.

Source: Bureau of Labor Statistics

Late-Night Retail

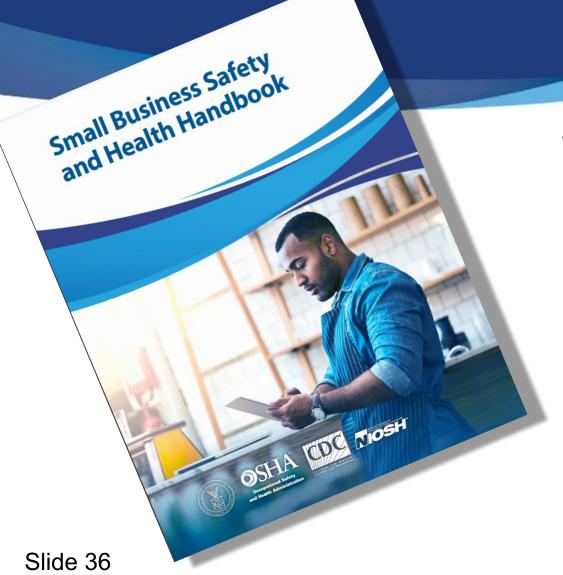- Convenience stores
- Liquor stores
- Gas stations

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Taxi Driving

- Taxi drivers

- Livery drivers

- *Ridesharing . . .*

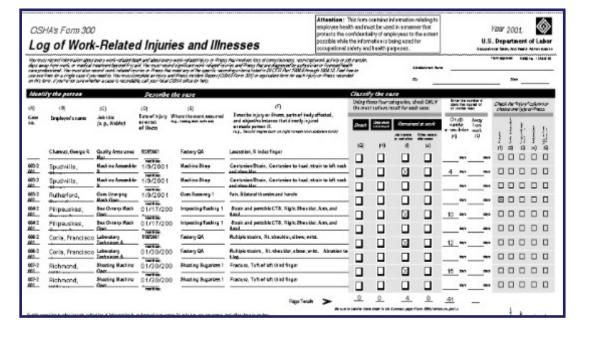OSHA® Occupational Safety and Health Administration

Assessment

Self-Inspection Checklist

- Are any of these workplace violence risk factors present in the workplace?

- If you responded "Yes" to any of the above, use the following checklist to assess workplace violence preparedness:

- https://www.osha.gov/sites/default/files/publications/small-business.pdf

Tools - Injury and illness records

- OSHA will review the employer's injury and illness records from **five years prior** to identify any workers with recorded injuries associated with workplace violence and the frequency and severity of associated incidents to establish any existing trends.

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More tools: Other records to review

- Workers' Compensation Records.

- Insurance Records.

- Police Reports.

- Security Reports.

- First-Aid Logs.

- Accident or Near-miss Logs.

- Hazard Assessments for Workplace Violence.

- Safety and Health Meeting Minutes.

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Controls:
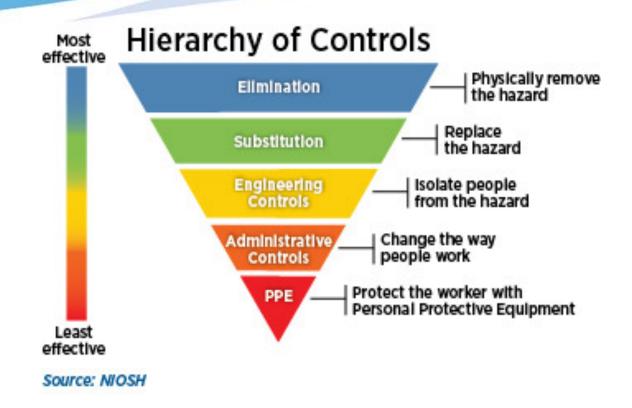## How can workplace violence hazards be reduced?

- One of the best protections employers can offer their workers is to establish a <u>zero-tolerance policy toward workplace violence.</u>

- This policy should cover all workers, patients, clients, visitors, contractors and anyone else who may come in contact with company personnel.

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WPV Prevention Program

- Assess the worksite
- Identify methods for reducing the likelihood of incidents occurring
- Use hierarchy of controls

Most effective

Hierarchy of Controls

Elimination	Physically remove the hazard
Substitution	Replace the hazard
Engineering Controls	Isolate people from the hazard
Administrative Controls	Change the way people work
PPE	Protect the worker with Personal Protective Equipment

Least effective

Source: NIOSH

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Plan Ahead… Don't Wait

- Develop and implement a workplace violence prevention program combined with engineering controls, administrative controls and training.

- Risk assessment of each location and each client/patient

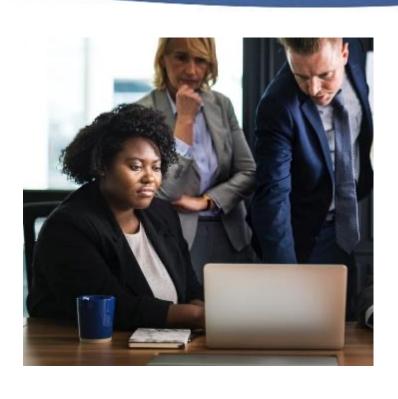- Risk assessment to be updated as changes occur

OSHA Guidance on Preventing WPV

- **Management Commitment & Employee Participation**

- **Worksite Analysis**

- **Hazard Prevention and Control**

- **Safety & Health Training**

- **Recordkeeping & Program Evaluation**

Management Commitment & Worker Participation

- **Allocating resources**

- **System of accountability**

- **Policies for reporting, recording and monitoring**

- **Safety and health committee involvement**

- **Soliciting feedback**

- **Ensuring non-retaliation**

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Worksite Analysis & Hazard Identification

- **Assess the physical locations and job procedures**

- **Review records and conduct surveys**

- **Use a team that includes senior management, supervisors and frontline workers**

- **Determine the frequency of conducting the assessment**

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Additional Methods

- Safety education and training

- Secure the workplace

- Provide drop safes to limit the amount of cash on hand

- Equip field staff with cell phones, handheld alarms, noise devices

- Daily work plan

Additional Methods

- Contact person informed of location throughout the day

- Buddy system

- Escort service or police assistance

- Develop policies and procedures for home health-care providers

Steps following an incident of WPV

- Report and log ALL incidents and ALL threats (near misses)
- Prompt medical evaluation and treatment
- Report to local police
- Inform victims of their legal right to prosecute perpetrators
- Discuss circumstances with staff members
- Encourage employees to share information about ways to avoid similar situations in the future

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More steps following an incident of WPV

- Staff debriefing sessions
- Post-traumatic counseling services to help workers recover from a violent incident
- Investigate ALL violent incidents and threats
- Monitor trends (in violent incidents) by type or circumstance
- Institute corrective actions
- Discuss changes in program during regular employee meetings

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How to Respond to Violence

■ **Non-physical violence:**

  - Written policy / plan

  - Train / empower supervisors

  - Employee training

  - Counseling

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How to Respond to Violence

- **Physical violence**

    - Separate from the area
    - Alert security / police
    - Documentation

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Ways to Protect your Workers

- Screen job applicants
- Background checks
- Train employees on who to alert
- Teach employees how to deal with irate customers
- Openly communicate on how to handle violent events in advance

Treat all threats seriously!

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An official website of the United States government. Here's how you know ⌄

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Workplace Violence

🏠

Risk Factors   ❯

Prevention Programs   ❯

Training & Other Resources   ❯

Enforcement   ❯

Workers' Rights   ❯

Prevention Programs

The following references provide guidance for evaluating and controlling violence in the workplace.

OSHA Guidance

- [Preventing Workplace Violence in Healthcare](#). OSHA. The strategies and tools presented in this section are intended to complement *OSHA's Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers*. The *Guidelines* describe the five components of an effective workplace violence prevention program, with extensive examples.
- [Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers](#) ([EPUB](#) | [MOBI](#)). OSHA Publication 3148, (2016).
- [Taxi Drivers – How to Prevent Robbery and Violence](#). OSHA Publication 3976 (DHHS/NIOSH Publication No. 2020-100), (November 2019).
- [Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments](#). OSHA Publication 3153, (2009).
- [Workplace Violence](#). OSHA Fact Sheet, (2002). Also available in [Spanish](#). Provides basic information about vulnerable occupations, employer/employee roles in prevention and protection, and recommendations for response to violent incidents.
- [Hospitals](#). OSHA eTool. Focuses on some of the hazards and controls found in the hospital setting and describes standard requirements as well as recommended safe work practices for employee safety and health.
- [Young Worker Safety in Restaurants](#). OSHA eTool. Provides young employees and their employers safety solutions for workplace violence in specific areas of a restaurant.
  - [Drive-thru](#)
  - [Serving](#)

Other Federal Agency Guidance

- [Home Healthcare Workers: How to Prevent Violence on the Job](#). U.S. Department of Health and Human Services (DHHS), National Institute for
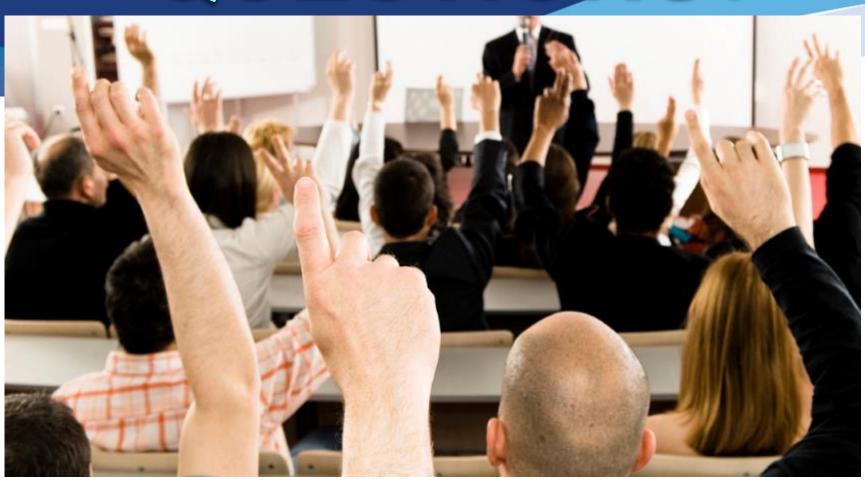
Links for resources

- OSHA Safety & Health topics page: Workplace Violence

- Gender-Based Violence and Harassment in the World of Work | U.S. Department of Labor (dol.gov)

- Workers' Right to Refuse Dangerous Work | Occupational Safety and Health Administration (osha.gov)

- OSHA Fact Sheet – Workplace Violence

- OSHA Safety & Health Topics Page: Home Healthcare

- Guidelines for Preventing Workplace for Healthcare and Social Service Workers – OSHA Publication 3148 (includes a checklist beginning on page 30)

- Preventing Workplace Violence in Healthcare – Caring for our Caregivers

- NIOSH publication Home Healthcare Workers

- NIOSH Caring for Yourself While Caring for Others

- Home & Community Health Worker Handbook - Worksafe BC (Canada) (includes a checklist beginning on page 31)

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Links for resources

- [Taxi Drivers – How to Prevent Robbery and Violence. OSHA Publication 3976 (DHHS/NIOSH Publication No. 2020-100), (November 2019).](#)

- [Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments. OSHA Publication 3153, (2009).](#)

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QUESTIONS?

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