Executive Order #511
Workplace Violence
Summary of Standards and Recommendations

This summary of standards was prepared by the Massachusetts Department of Labor Standards ("DLS") for informational purposes and does not constitute an official interpretation by OSHA or any other agencies/entities listed as a source of standards or guidance in this document, nor an exhaustive recitation of the requirements therein. Rather, the summary is provided for the health and safety committees to assess current health and safety management of this hazard against the nationally-recognized standard. As the information provided in this document is only a summary, please consult the full standard(s) as well as any other needed sources of technical assistance for developing or improving your workplace violence program.

It is important to note that state workers are not covered by OSHA standards; the information generated by the health and safety committees will serve to guide the Massachusetts Employee Safety and Health Advisory Committee in identifying effective and practical strategies and policies for improving the health and safety of state workers.

Primary Technical Standard or Guideline:

U.S. Occupational Safety and Health Administration (OSHA) Requirements and Guidelines

OSHA does not have a specific regulatory standard for workplace violence, but they can and do cite employers for failure to protect employees from harm due to workplace violence under the "General Duty Clause" of the Occupational Safety and Health Act, 29 U.S.C. 654(a)(1). For your information, the general duty clause reads as follows:

(a) Each employer –

   (1) Shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

The OSHA compliance directive for workplace violence, OSHA Instruction CPL 02-01-052, "Enforcement Procedures for Investigating or Inspecting Workplace Violence Incidents" provides detailed guidance to OSHA inspectors in conducting workplace violence investigations and preparing enforcement cases. This document also includes

information to assist employers in effectively addressing workplace violence. Therefore, this OSHA document serves to outline key elements and standards of practice for a workplace violence program. Referenced in this OSHA instruction is an important source of guidance for healthcare and social service workers, OSHA 3148-01R 2004 "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers." This publication and additional resources referenced in the OSHA compliance directive are provided through the web links section at the end of this document.

Commonwealth of Massachusetts Executive Orders

Executive Order # 442, Establishing a Policy of Zero Tolerance for Workplace Violence

Executive Order # 491, Establishing a Policy of Zero Tolerance for Sexual Assault and Domestic Violence

 Your agency may be following an internal standard of practice or a standard from a source other than those listed above for this hazard. For the gap analysis, if you are following a standard other than the primary worker protection standard/guideline listed above, please indicate which standard/guideline, if any, is being followed by your agency. If this is an internal standard of practice, please report the basis upon which the determination was made to adopt the standard.

BROAD CONTEXT FOR WORKPLACE VIOLENCE STANDARDS AND GUIDELINES

Workplace violence is a complex and wide-ranging problem that has sadly emerged as a significant cause of on the job fatalities and injuries, and a serious source of concern for workers. The Bureau of Labor Statistics' (BLS) Census of Fatal Occupational Injuries (CFOI) shows an average of 590 homicides a year from 2000 through 2009, with homicides remaining as one of the four most common causes of fatal injury at work during this period, as has been the case for more than fifteen years. Workplace homicides remained the number one cause of workplace death for women in 2009. Workplace violence impacts thousands of workers and their families annually.

There are not currently any national worker protection standards for workplace violence, for example, a specific OSHA standard, on this hazard. However, workplace violence is clearly recognized as a serious hazard to workers from which employers are responsible for protecting their employees. OSHA holds employers to this responsibility as outlined in the standards section above through the "general duty clause" of the Occupational Safety and Health Act using their compliance directive "Enforcement Procedures for Investigating or Inspecting Workplace Violence Incidents".

OSHA and other national worker protection entities such as the National Institute of Occupational Safety and Health (NIOSH) have also prepared guidance documents for employers outlining how they can protect employees from workplace violence, both in general for all workplaces, and also for specific industries at higher risk for workplace violence, such as healthcare and social services.

Many states have workplace violence laws and programs, and as part of this have prepared comprehensive guidance, model policies, etc. for use by employers. A listing of these states as well as links to their published information are provided starting on page A-2 of the OSHA compliance directive, and also in the web links section at the end of this document. The Commonwealth of Massachusetts has set zero tolerance policy requirements for state agencies relative to workplace violence through Executive Orders 442 and 491 listed in the standards section above.

When a workplace violence concern escalates to the immediate threat of violence or actual assault, this becomes a law enforcement issue. This is important to remember as there is sometimes a reluctance to call in law enforcement to a workplace, even though this is the correct thing to do in the case of immediate threat or assault. It is also important to be aware that the state police have direct jurisdiction over protection of state workplaces and state employees, and should always be notified in addition to any calls to local law enforcement when there is a violent incident (identifying it as a state workplace will automatically trigger local law enforcement to contact the state police). The state police may also be able to take measures beyond that of local law enforcement, for example, they will investigate threats made to a state employee or workplace. Note that for facilities who are serving populations that have a greater risk of violent behaviors, and must handle frequent instances of violent behaviors, there will be internal protocols for managing these events that do not typically include calling in law enforcement. It is important to include in these protocols clear instructions on any situations when law enforcement should be called in.

The OSHA compliance directive indicates that there are industries and work settings for which there is a greater risk of workplace violence, stating that research has identified factors that may increase the risk of violence at worksites. Such factors include working with the public or people with volatile or unstable behavior. Working alone or in isolated areas may also contribute to the potential for violence. Handling money and valuables, providing services and care, and working where alcohol is served may also impact the likelihood of violence. Additionally, time of day and location of work, such as working late at night or in areas with high crime rates, are also risk factors that should be considered when addressing issues of workplace violence.

Some of these higher risk industries fall outside the scope of the primary technical standards/guidelines referenced in this document. Workplace violence risks to Law

Enforcement and Corrections personnel from their work with violent criminals are outside of the scope of Executive Order #442. Law Enforcement and Corrections work is also not specifically addressed in the OSHA compliance directive, as this function is typically conducted by municipal or state entities over which federal OSHA does not have jurisdiction. It is still, however, the employer's responsibility to protect law enforcement and corrections personnel from this risk, but different means and methods would be used, consistent with the professional methods and standards of practice for this type of work. Note that workplace violence risks not coming from the criminal / prisoner population, e.g., co-worker to co-worker violence, within a law enforcement or corrections setting would fall within the scope of EO 442 and the OSHA compliance directive.

Other industries working in settings with populations that have a higher potential for violent behavior are also outside of the scope of Executive Order #442, but do fall within the scope of the workplace violence prevention efforts outlined in the OSHA compliance directive. This includes work in social services, health care, psychiatric care, and certain educational settings. For these industries working in settings with populations that have a greater risk of violent behaviors, more comprehensive evaluation, planning, and action is necessary for a workplace violence prevention program. In addition to the guidance from OSHA and other worker protection entities on workplace violence, employers in these industries must also rely on the expertise of leaders and the guidance that has been developed within their specific profession. For the gap analysis, in addition to a comparison to the protections outlined in this document, health and safety committees may also make a comparison between what is currently in place for their staff for workplace violence protection, versus the recognized standards of practice in their specific field.

In addition, for work in settings with populations that have a higher risk for violent behavior, there may be laws, standards or requirements other than worker protection standards that impact on workplace violence protocols. For example, there are laws restricting the use of physical restraint for juveniles in educational settings. These types of laws are not addressed in this document.

With workplace violence, the hazard involves another person, and is not an inanimate risk such as electricity or a fall from height. This requires an extra layer of human care and consideration in planning and executing prevention and response measures to this hazard. The person exhibiting the violent behavior is a human being whose behavior is often coming from their own suffering, trauma history, or illness. With the goal of achieving the critical mission of preventing harm to workers from workplace violence, understanding the experience and preserving the dignity of the person exhibiting the violent behaviors must be included as part of the process.

A FRAMEWORK FOR WORKPLACE VIOLENCE PROGRAM ASSESSMENT AND PLANNING

Before providing specifics in each of the areas to be looked at for the gap analysis (upper management support and policy, use of a technical standard, accountability, training, and controls), a framework is given below to help give a big picture view of the range of elements that need to be considered in workplace violence prevention and response efforts. This will help to give context to the individual areas assessed for the gap analysis, and gives a meaningful way to sort through the lists of required/recommended items for policies/procedures, and administrative and engineering controls and see what is applicable for your agency. This framework can also be used to identify specific measures that might be missing from your workplace violence program. It could also help with your overall planning for workplace violence prevention and response.

Workplace violence encompasses a wide range of potential situations, and it is important to evaluate the types of workplace violence which potentially pose a threat to your employees. Different scenarios may call for different planning and response measures, and different areas of emphasis in prevention. For example, with co-worker to co-worker violence, watching for escalating behaviors which may be predictive of future violence and early intervention is key. With customers coming in who may be unhappy with the outcome (e.g., who are denied a state service or financial claim), creating a safe set-up that allows for safe escape and immediate aid for the employee is important (e.g., positioning desks/chairs so that the client is not between the worker and the door, removing items that could be used as weapons, providing panic buttons or alarms, etc.). For a victim of domestic violence, ensuring that the employer is aware of the threat and develops a specific security plan for the employee is critical. Different workplace violence scenarios may include:

- Co-worker to co-worker, including former co-workers
- Client / customer / patient / student to worker
- Worker who works in settings with populations that have a greater risk for violent behaviors (such as at correctional facilities or certain mental health, healthcare, and residential facilities), which may include the need to for employees to use physical restraint
- Worker going into a high-crime area (e.g., for an inspection or visit), working in a high crime area, or victimized at work by a criminal not known to them
- Worker with high value target such as money or pharmaceuticals
- Worker going into a situation not controlled by their agency (such as a home visit or enforcement inspection), with potential sources of threat
- A violent domestic partner accessing a victim at their workplace

Even though there is this wide range of types of potential workplace violence scenarios, there are planning and response elements that are common to all, for example, providing employees with a way to call for help. Evaluation of these elements and identification of the appropriate measure for each different workplace violence scenario can provide a practical way to assess your current workplace violence protections for the gap analysis and also to plan for workplace violence prevention and response for both individual scenarios as well as your overall workplace violence program.

The first step for an agency in using the model outlined in the table below is to identify all situations with a potential for workplace violence that could expose their employees to harm. (Note that all agencies must consider the potential for co-worker to co-worker violence.) Then, for each scenario, the elements outlined in the table below can be looked at, and the appropriate measures developed/selected within each. What measures are feasible? What measures will be the most effective for this situation? The following means can be helpful in identifying appropriate prevention and response measures:

- Use of OSHA and other expert guidance documents, focusing on anything specific that has been developed for your agency's area of work
- Expert information and professional standards of practice within your agency's area of work
- Consultation with law enforcement to help evaluate risks and select appropriate prevention measures
- Evaluation of past workplace violence incidents or threats

Once measures are selected for implementation, **staff training** on these measures is critical to their success.

WV PLANNING AND RESPONSE ELEMENTS	Examples of Specific Prevention and/or Response Measures
Prevention	The ideal is to be able to prevent violent behaviors from occurring with individuals who have a history of violence. Examples include: - In mental healthcare settings, use of a trauma informed clinical treatment plan which prevents violent behaviors.

Evaluate/Understand the Threat (know about the situations and person(s) creating a WV threat)	- Train managers and staff to identify WV warning signs / escalating behaviors in fellow employees. - For victims of domestic violence, ensure that they know they can confidentially report their situation to the employer. - Use of EXPERT risk assessments where available and appropriate, for example: - Law enforcement or trained experts conducts a threat assessment, using tools such as the MOSAIC® system - A psychiatrist conducts a risk assessment of a patient's potential for violence - Train employees going to external sites in threat awareness, how to continually monitor and evaluate what is happening in their surroundings
Inform those who may be under threat, or who can help with prevention efforts	- Flag charts or otherwise inform new caregivers if a patient has a history of violent incidents as this is a strong predictor of future violence. - For victims of domestic violence, provide identifying information on the perpetrator to security / reception staff so the perpetrator cannot get through to the employee (as part of the security plan developed for this employee)
Report / Track / Record Incidents	This helps provide early warning and identification of a developing or on-going pattern, and allows for early intervention. - Train / instruct all staff to report any threats of violence or violent incidents to management - Train / instruct staff to report warning signs / escalating behaviors exhibited by fellow employees - Train / instruct staff in healthcare and social services settings to report every incident of violent behavior exhibited by patients / clients - Report all physical assaults and serious threats to law enforcement
Deterrent Measures	- Set and enforce a policy of <u>zero tolerance</u> for workplace violence - On-site presence of security or law enforcement personnel - Use of security cameras - Require and record identification for those entering the facility - Establish an atmosphere of mutual respect and civility where there is zero tolerance for intimidation, bullying, angry outbursts, etc.

Remove Incentives	Ensure that there is no easy access to items that will draw crime such as money, pharmaceuticals, valuables • Use wall safes or locked drawers for cash • Go to a cashless system for paid transactions (require checks / money orders only) • Lock up all pharmaceuticals • Limit on-site quantity of cash, pharmaceuticals, valuables • Have field staff limit quantity of cash and identification they carry

Early Intervention	Do not ignore early warning signs; intervene at the earliest stage possible.
	• Getting help (such as through the Employee Assistance Program) for an employee who has starting exhibiting concerning behaviors such as having angry outbursts at work
	• Use of de-escalation techniques (provide employees training on these methods) when a customer starts becoming angry
	• In patient care settings:
	    o Intervening at the beginning of the known arc of escalation for a psychiatric patient
	    o Use of individualized prevention and de-escalation techniques previously identified for a patient such as removing known triggers and use of the best response technique (e.g, use of individual patient information developed / collected as part of a patient restraint reduction program)
	    o Use of patient behavior modification (provide employees training on these methods). For example, use of techniques such as redirection, leaving and returning after a short time out, etc.

Contain the threat	In some settings (health care, certain educational and social services, etc.) there may be options when the patient / client / student becomes physically out of control in anger. These may include: • Moving the person into a safe room • Use of physical restraint (to be used only as an absolute last resort, only when allowable by policy/regulation, and only with staff well-trained in conducting restraints)

Physical Setting:
a. Security / Separation
	• Limiting access into the building and within the building
	    • Door locks
	    • Controlled access systems such as code keypads or electronic entry cards for doors or other barriers (gates, turnstiles, etc.)
	    • Door buzzer systems
	    • Staffed security checkpoint with access control
	• Limit access within the building
	• Create physical barriers to separate staff / public interface locations such as reception and customer service windows
	    o Install bulletproof, shatterproof glass
	    o Limit opening to pass-through window only
	• Instruct staff to always lock car doors

Physical Setting: b. Visibility	Eliminate hiding places where perpetrators can lie in wait, and also provide means for employees to see potential perpetrators • Convex mirrors to see around the corner in hallways • Remove shrubs from around doorways and exterior walkways • Bright lighting in all interior areas where staff work or pass through (offices, hallways, treatment rooms, etc.) • Bright lighting for parking lots and exterior walkways
Physical Setting: c. Layout / Work Locations	• Avoid staff isolation, locate staff with others or in frequented areas, particularly for staff who encounter charged situations as part of their job (e.g., denial of services, working with higher risk individuals) • Do not locate staff in high risk areas who do not need to be there as part of their duties
Escape	• Set up desks/chairs, etc. to ensure that the client/customer/patient is not between the worker and the door/exit, but instead the worker has first and unobstructed access to the door/exit. • Ensure that counseling or patient care rooms have two exits. • Lockable "panic room" areas that employees can escape to while awaiting arrival of law enforcement. • Ensure that the arrangement of locked doors / key card access etc. allows for needed employee escape (don't inadvertently trap people in with security measures used to keep people out) • Keep automobiles used in the field well-maintained so they are always operational.

Remove / Prevent entry of **Weapons**	• For high risk situations (e.g., a denial of financial claims or access to services), remove all portable items that could be used as weapons (e.g., scissors, stapler, ashtrays, etc.). Also consider things you wear such as neckties or necklaces that could be used against you.
	• For high risk areas, ensure that furniture cannot be used as weapons, e.g., it's bolted the floor
	• Use screening to prevent weapons from being brought into the workplace, e.g.,
	   ○ metal detection wands
	   ○ Metal detection walkthrough devices
	   ○ X-ray or other detection device for bags/briefcases/etc. brought into the workplace

A way to **Call for Help**	• Panic buttons connected to a monitored alarm, e.g., worn by employee or affixed to the underside of a desk • Two-way radios • Telephones (land lines and cell phones), with emergency call numbers posted • Intercoms • Code words (for an employee to indicate to others that a call for help is needed without alerting the person posing a threat)
Staff **Safety Monitoring**	• High risk areas (e.g., staff working with high risk individuals) have glass doors or windows so that visual check-ins can be conducted. • High risk areas are monitored by camera. • Field staff conduct a pre- and post-visit check-in with their office, so that aid can be summoned if they do not report in a timely manner.
Higher-Risk Situations	Identify higher-risk situations and take needed protective measures, for example: • Do not have staff working alone in high risk situations, such as settings working with clients/patients/residents/students with a high risk of violent behaviors • Send field staff in pairs to high crime areas or into potentially contentious situations (e.g., an enforcement or qualification inspection) • Have a law enforcement officer accompany staff to situations with a known risk (e.g., an enforcement inspection, termination meeting, or child removal situation where the affected person has made threats)

Law Enforcement	- Consultation with law enforcement for guidance on WV prevention measures - Law enforcement officers providing training to staff (for example community police officer trains staff on awareness and safety for making visits to client homes) - Clearly instruct employees on when to call in law enforcement - Note that for facilities who are serving populations that have a greater risk of violent behaviors, and must handle frequent instances of violent behaviors, there will be internal protocols for managing these events that do not typically include calling in external law enforcement. These internal protocols must include clear instructions on when law enforcement should be called in. - Presence of a law enforcement officer for a high risk situation such as a meeting with a terminated employee who has made threats - State police investigation of WV threat made to a state employee - Have victimized employee file assault charges when appropriate and provide assistance as necessary
Separation of at-risk employee(s) from source of threat	- Changing an employee's work location - Modification of an employee's work schedule
Develop Written **Procedures / Protocols**	To pre-plan for effective management of high-risk situations, and rapid and mitigating response to workplace violence incidents, for example: - Response plan for an actual incident of workplace violence - Security plan for victims of domestic violence - Termination procedures (Note that recommended procedures for managing workplace violence risks from employee terminations have been developed by the Human Resources Department. These are available through the web links section at the end of this document.)

Post Incident Support for victim(s) and witnesses	To aid staff and witnesses in trauma recovery from the violent incident - Internal trauma response teams - Provision of assistance through employee assistance program (EAP) or other means - Understanding of and accommodation for effects of the trauma on the employee who was victimized as well as witnesses to an assault

Policy and Upper Management Support

Requirements and recommendations for elements of a workplace violence policy from both OSHA and the Commonwealth executive orders are provided below. A range of sample written workplace violence policies, including those developed as companions to EOs 442 and 491, are provided through the web links section at the end of this document.

OSHA

The OSHA compliance directive on workplace violence, Appendix B – Potential Abatement Methods, makes the following general recommendations for all industries and administrative workplaces:

- Conduct a workplace violence hazard analysis (this includes analyzing vehicles used to transport clients).
- Assess any plans for new construction or physical changes to the facility or workplace to eliminate or reduce security hazards.
- Provide employees with training on workplace violence.
- Develop a written, comprehensive workplace violence prevention program, which should include:
  o A policy statement regarding potential violence in the workplace and assignment of oversight and prevention responsibilities.
  o A workplace violence hazard assessment and security analysis, including a list of the risk factors identified in the assessment and how the employer will address the specific hazards identified.
  o Development of workplace violence controls, including implementation of engineering and administrative controls and methods used to prevent potential workplace violence incidents.
  o A recordkeeping system designed to report any violent incidents. Additionally, the employer shall address each specific hazard identified in the workplace evaluation. The reports must be in writing and maintained for review after each incident and at least annually to analyze incident trends.

- o Development of a workplace violence training program that includes a written outline or lesson plan.
- o Annual review of the workplace violence prevention program, which should be updated as necessary. Such review and updates shall set forth any mitigating steps taken in response to any workplace violence incidents.
- o Development of procedures and responsibilities to be taken in the event of a violent incident in the workplace.
- o Development of a response team responsible for immediate care of victims, re-establishment of work areas and processes and providing debriefing sessions with victims and coworkers. Employee assistance programs, human resource professionals and local mental health and emergency service personnel should be contacted for input in developing these strategies.

Commonwealth of Massachusetts Executive Orders 442, and 491

EO 442 Workplace Violence:

Establishing a policy of zero tolerance for workplace violence is required by Executive Order #442.

EO 442 indicates that the following elements should be present in the agency policy for workplace violence:
- a definition, description, and examples of workplace violence,
- a statement that any use of work time or workplace facilities to commit or threaten to commit acts of workplace violence is cause for discipline up to and including dismissal,
- a clear description of procedures for reporting acts of workplace violence,
- information indicating where perpetrators and victims can go for help.

EO 442 directs that the following program elements are implemented:
- Create a climate that encourages discussions of workplace violence issues, and where emergency reporting procedures are made known to employees.
- Respect the privacy of victims and preserve confidentiality at all times, to the extent possible, in dealing with situations involving workplace violence.
- Implement a workplace violence awareness and prevention training (see the training section below for required content and resources on how to implement this) for all employees.

EO 442 directs that the following actions be taken in response to workplace violence incidents, and these actions can be included as part of the agency's written policy:

- Prompt response to workplace violence incidents, including reporting to appropriate public safety personnel when incidents involve potential criminal conduct.
- Provide victims with appropriate support and services.
- After an investigation determines that an employee has committed an act of workplace violence or violated agency rules, regulations or policies, conduct appropriate disciplinary action. Discipline may include successful completion of counseling, anger management, education, or equivalent program. Employers may consider acts of workplace violence, along with success in completing counseling, in promotion and other work-related determinations.
- Prohibit retaliation against an employee for reporting an incident by the alleged offender or employer.

EO 491 Domestic Violence, Sexual Assault, and Stalking:

Establishing a policy of zero tolerance for sexual assault, domestic violence, and stalking is required by Executive Order #491.

EO 491 indicates that the following elements should be present in the agency policy for sexual assault, domestic violence, and stalking:
- a definition, description, and examples of sexual assault, domestic violence, and stalking,
- a statement that any use of work time or workplace facilities to commit or threaten to commit acts of sexual assault, domestic violence, or stalking is cause for discipline up to and including dismissal,
- a statement that all acts of sexual assault, domestic violence, or stalking, regardless of whether they occur in or near the workplace, may be cause for discipline up to and including dismissal, and may be considered as part of the employee's work history, and
- information indicating where perpetrators and victims can go for help, including but not limited to victim assistance hotlines and programs, sexual assault or domestic violence programs and shelters, and state certified batterer intervention programs.

EO 491 directs that the following actions be taken relative to domestic violence threats and incidents of sexual assault or stalking, and these actions can be included as part of the agency's written policy:

- Review existing personnel policies and procedures and revise them as necessary to ensure they are responsive to the needs of victims.

- Create a climate that encourages victims to disclose abuse by posting local resource and reporting information in private and accessible locations within the workplace.
- Respect the privacy of victims and preserve confidentiality at all times, to the extent possible, in dealing with situations involving sexual assault, domestic violence, or stalking.
- Implement the Domestic Violence and Sexual Assault in the Workplace Prevention Training curriculum (see the training section below for required content and resources on how to implement this). Employers are directed to make this training available for new hires and agency-wide every 2 years.
- Employees shall be entitled to be absent from work for up to 15 paid days for the purposes of victim counseling, medical treatment, legal proceedings or other necessary activities where the employee is a victim of domestic violence, stalking, or where the employee or the employee's children are the victim of sexual assault and the employee is not the abuser.
- Employers are authorized and encouraged to grant up to 6 months of unpaid leave where an employee or his/her children are victims of domestic violence, stalking, or sexual assault and the employee requests leave as a result and the employee is not the abuser. Employers shall offer the same or a similar position to such employee upon their return from leave.
- An employee may choose to notify his or her employer of the existence of a 209A restraining order protecting the employee. Upon receipt of such notice, the employer shall make all reasonable efforts to monitor and enforce the restraining order, and provide a written workplace safety plan. Efforts shall include notifying security personnel of the identity and where possible a photograph of the person against whom the restraining order is issued.
- If an employer becomes aware of a restraining order applicable to one or more of its employees, the employer may offer a victim reassignment to a different geographical location, if the employer determines that such reassignment will help better ensure the safety of the victim or others in the workplace. Where a victim has requested reassignment, the employer shall give the request top priority.
- Employers are directed to report acts of sexual assault, domestic violence, stalking, or violations of restraining orders that occur in the workplace to the appropriate law enforcement authorities.
- Where a judicial determination of probable cause has been made that an employee has committed an act of sexual assault, domestic violence, or stalking, the employee maybe disciplined up to and including termination regardless of whether the act occurred in or near the workplace. Such employees may be required to attend a certified batterer intervention program, and success or failure in this program as well as the act committed can be considered as part of the employee's work history.

Training and Certification/Licensing Requirements:

OSHA

The OSHA compliance directive generally directs all employers to train employees on workplace violence. This document also lists training recommendations for specific types of work.

For staff who work with customers / clients / the public:
- Train all staff to recognize and defuse verbal abuse that can escalate to physically combative behavior (e.g., de-escalation techniques)

For staff who conduct physical restraints:
- Train all staff and practice drills for physically restraining combative patients or clients, including the use of physical restraints and medication, when appropriate.

For security staff in a psychiatric or other health care settings where there is a potential for violent behaviors:
- Ensure that security staff members are readily and immediately available to render assistance in the event of an incident of workplace violence and that security has had specialized training to deal with aggressive behavior.

For healthcare and social services settings, the OSHA document "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers recommends that the employee workplace violence training cover the following topics:

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

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

Executive Order #442 - Workplace Violence Prevention

Employers are directed by EO 442 to implement a workplace violence awareness and prevention training program developed by the Human Resources Division in coordination with the Executive Office of Public Safety and Security. Training shall include workplace safety and security, workplace violence identification and awareness, and appropriate reporting procedures. Employers are directed to provide this training to all employees. Core curriculum should be delivered one time for entire agency. Updates provided by HRD as requested and/or as laws or policies are amended.

Executive Order #491 - Domestic Violence Sexual Assault and Stalking Awareness

Employers are directed by EO 491 to implement the Domestic Violence, Sexual Assault and Stalking Awareness Training curriculum developed by the Human Resources Division. This training shall focus on domestic violence, sexual assault and stalking awareness, workplace security and safety planning, the need for confidentiality and record keeping, conducting appropriate investigations, and appropriate referrals. Employers are directed to make this training available upon the hiring of new personnel and agency-wide every 2 years.

Human Resources Department (HRD) Training Contact Information:

The training curricula outlined above are available for executive branch agencies on both workplace and domestic violence through the state's central Human Resources Department (HRD) through eLearning modules and live trainings.
Contact HRD at 617-878-9827 to set up a training for your agency.

Administrative Controls – Requirements and Recommendations:

OSHA

The OSHA compliance directive on workplace violence, Appendix B – Potential Abatement Methods, recommends the following administrative controls for all industries and administrative workplaces:

- Change work practices and management policies in order to reduce exposure to hazards. Such controls include:
    - Establish liaisons with local police and state prosecutors. Report all incidents of violence. Give police physical layouts of facilities to expedite

    investigations.
- o Require employees to report all assaults or threats to a supervisor or manager (in addition, address concerns where the perpetrator is the manager). Keep log books and reports of such incidents to help determine any necessary actions to prevent recurrences.
- o Advise employees of company procedures for requesting police assistance or filing charges when assaulted and help them do so, if necessary.

The OSHA compliance directive on workplace violence, Appendix B – Potential Abatement Methods, recommends the following administrative controls for <u>Healthcare and Social Service Facilities</u>. Note that more detailed recommendations and information are provided in the OSHA guidance document "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers" available through the web links at the end of this document.

- State clearly to patients, clients and employees that violence is not permitted or tolerated.
- Ensure that adequate and properly trained staff is available to restrain patients or clients, if necessary.
- Provide sensitive and timely information to people waiting in line or in waiting rooms. Adopt measures to decrease waiting time.
- Ensure that adequate and qualified staff is available at all times. The times of greatest risk occur during patient transfers, emergency responses, mealtimes and at night. Areas with the greatest risk include admission units and crisis or acute care units.
- Institute a sign-in procedure with passes for visitors, especially in a newborn nursery or pediatric department. Enforce visitor hours and procedures.
- Establish a list of "restricted visitors" for patients with a history of violence or gang activity. Make copies available at security checkpoints, nurses' stations and visitor sign-in areas.
- Review and revise visitor check systems, when necessary. Limit information given to outsiders about hospitalized victims of violence.
- Supervise the movement of psychiatric clients and patients throughout the facility.
- Control access to facilities other than waiting rooms, particularly drug storage or pharmacy areas.
- Prohibit employees from working alone in emergency areas or walk-in clinics, particularly at night or when assistance is unavailable. Do not allow employees to enter seclusion rooms alone.
- Establish policies and procedures for secured areas and emergency evacuations.
- Determine the behavioral history of new and transferred patients to learn about any past violent or assaultive behaviors.

- Establish a system—such as chart tags, log books or verbal census reports—to identify patients and clients with assaultive behavior problems. Keep in mind patient confidentiality and worker safety issues. Update as needed. Review any workplace violence incidents from the previous shift during change-in-shift meetings.
- Treat and interview aggressive or agitated clients in relatively open areas that still maintain privacy and confidentiality (such as rooms with removable partitions).
- Use case management conferences with coworkers and supervisors to discuss ways to effectively treat potentially violent patients.
- Prepare contingency plans to treat clients who are "acting out" or making verbal or physical attacks or threats. Consider using certified employee assistance professionals or in-house social service or occupational health service staff to help diffuse patient or client anger.
- Transfer assaultive clients to acute care units, criminal units or other more restrictive settings.
- Ensure that nurses, physicians and other clinicians are not alone when performing intimate physical examinations of patients.
- Discourage employees from wearing necklaces or chains to help prevent possible strangulation in confrontational situations. Urge community workers to carry only required identification and money.
- Survey the facility periodically to remove tools or possessions left by visitors or maintenance staff that could be used inappropriately by patients.
- Provide staff with identification badges, preferably without last names, to readily verify employment.
- Discourage employees from carrying keys, pens or other items that could be used as weapons.
- Provide staff members with security escorts to parking areas in evening or late hours. Ensure that parking areas are highly visible, well lit and safely accessible to the building.
- Use the "buddy system," especially when personal safety may be threatened. Encourage home healthcare providers, social service workers and others to avoid threatening situations.
- Advise staff to exercise extra care in elevators, stairwells and unfamiliar residences; leave the premises immediately if there is a hazardous situation; or request police escort, if needed.
- Develop policies and procedures covering home healthcare providers, such as contracts on how visits will be conducted, the presence of others in the home during the visits and the refusal to provide services in a clearly hazardous situation.
- Establish a daily work plan for field staff to keep a designated contact person informed about their whereabouts throughout the workday. Have the contact

person follow up if an employee does not report in as expected.

The OSHA compliance directive on workplace violence, Appendix E Notification Memo Template for the National Office, outlines these "feasible and useful methods" to correct the workplace violence hazard in a <u>psychiatric ward:</u>

- Ensure that all patients who receive a psychiatric consultation are screened for a potential history of violence before being admitted to the hospital. In addition, consider using hand-held metal detecting wands to detect weapons that may be concealed by the patient.
- Ensure that security staff members are readily and immediately available to render assistance in the event of an incident of workplace violence and that security has had specialized training to deal with aggressive behavior.
- Make the psychiatric ward a one-floor unit so that employees are not alone with patients on the floor. In lieu of creating a one-floor unit, administrative controls should be put in place to prevent employees from being alone with patients. In particular, employees should not be transporting potentially violent patients alone in stairwells or in elevators. Security should be present and available immediately in the event of an incident of violence.
- Use a system to flag a patient's chart anytime there is a history or act of violence and train staff to understand the flagging system. Put procedures in place that would allow communication of any incident of workplace violence to the staff that might come in contact with that patient so that employees who might not have access to a patient's chart would be aware of a previous act of aggression or violence.
- Conduct more extensive training so that all employees are aware of what the hospital's workplace violence policy is and where that information can be found. In addition, train all employees to state clearly to patients, clients and employees that violence is not permitted or tolerated. Train all employees on recognizing when a patient is exhibiting aggressive behavior and techniques for de-escalating that behavior.

Commonwealth of Massachusetts Executive Orders

Required program elements for Commonwealth of Massachusetts EOs 442 and 491 are outlined in the "Policy" section above, and include administrative controls such as:

- Create and enforce an atmosphere of zero tolerance for workplace violence and behavior that may escalate into workplace violence. This may include setting standards for language and behavior, and fostering an atmosphere of courtesy, civility, and respect.
- Required reporting of incidents.

- Prompt response to incidents including reporting to public safety personnel (police).
- Investigation of incidents.
- Relocation of at-risk staff (victims of domestic violence or stalking).
- Development of a security plan for at-risk employees who are victims of domestic violence to prevent the abuser from gaining physical access to the victim while at work.
- Disciplining of those violating the domestic violence, sexual assault, and stalking policy.

Engineering Controls – Requirements and Recommendations:

OSHA

The OSHA compliance directive on workplace violence, Appendix B – Potential Abatement Methods, recommends the following engineering controls for all industries and administrative workplaces:

- Install and regularly maintain alarm systems and other security devices, panic buttons, hand-held alarms or noise devices, cellular phones and private channel radios where risk is apparent or may be anticipated. Arrange for a reliable response system when an alarm is triggered.
- Provide metal detectors—installed or hand-held, where appropriate—to detect guns, knives or other weapons, according to the recommendations of security consultants.
- Use a closed-circuit recording on a 24-hour basis for high-risk areas.
- Place curved mirrors at hallway intersections or concealed areas.
- Lock all unused doors to limit access, in accordance with local fire codes.
- Install bright, effective lighting, both indoors and outdoors.
- Replace burned-out lights and broken windows and locks.
- Keep automobiles well maintained if they are used in the field.
- Lock automobiles at all times.

The OSHA compliance directive on workplace violence, Appendix B – Potential Abatement Methods, recommends the following engineering controls for Healthcare and Social Service Facilities to minimize workplace violence risk. Note that more detailed recommendations and information are provided in the OSHA guidance document "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers" available through the web links at the end of this document.

- Enclose nurses' stations and install deep service counters or bullet-resistant,

shatter-proof glass in reception, triage and admitting areas or client service rooms.

- Provide employee "safe rooms" for use during emergencies.
- Establish "time-out" or seclusion areas with high ceilings without grids for patients who "act out" and establish separate rooms for criminal patients.
- Provide comfortable waiting rooms (client or patient) designed to minimize stress.
- Ensure that counseling or patient care rooms have two exits.
- Lock doors to staff counseling rooms and treatment rooms to limit access.
- Arrange furniture to prevent entrapment of staff.
- Use minimal furniture in interview rooms or crisis treatment areas and ensure that it is lightweight, without sharp corners or edges and affixed to the floor, if possible. Limit the number of pictures, vases, ashtrays or other items that can be used as weapons.
- Provide lockable and secure bathrooms for staff members separate from patient/client and visitor facilities.
- Install partitions in transport vehicles to protect drivers from aggressive patients or clients.

EOs 442 and 491

There are no specific engineering controls that agencies are directed to use per EOs 442 and 491.

Web link to full standard or guideline and additional resources:

Informational resources identified below as well as additional workplace violence resources can be found on our website at www.mass.gov/dols/eo511.

OSHA Publications

OSHA Compliance Directive, OSHA Instruction CPL 02-01-052, "Enforcement Procedures for Investigating or Inspecting Workplace Violence Incidents", available at www.osha.gov, specific link below:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=5055

OSHA 3148-01R 2004 "Guidelines for Preventing Workplace Violence for Health Care & Social Service Workers" available at www.osha.gov, specific link below:

http://www.osha.gov/Publications/OSHA3148/osha3148.html

OSHA 3153 12R 2009 "Guidelines for Workplace Violence Prevention Programs in Late Night Retail Establishments" (note: provides useful guidance for any customer service setting)

http://www.osha.gov/Publications/osha3153.pdf

Commonwealth of Massachusetts Executive Orders and Resources:

Go to www.mass.gov/dols/eo511 for links to the items listed below.

Executive Order # 442, Establishing a Policy of Zero Tolerance for Workplace Violence

Sample Workplace Violence Policy:

Executive Order # 491, Establishing a Policy of Zero Tolerance for Sexual Assault and Domestic Violence

Executive Order 491 Sample Domestic Violence Policy:

Commonwealth of Massachusetts Human Resources Department guidance on Employee Terminations

Additional Resources listed in the OSHA Compliance Directive

OSHA Safety and Health Topics Workplace Violence.
[https://www.osha.gov/SLTC/workplaceviolence/index.html]

Additional resources are listed on OSHA's Workplace Violence Topic Page under Possible Solutions and Additional Information.

National Institute for Occupational Safety and Health (NIOSH)
NIOSH has a workplace violence web page that lists publications pertaining to workplace violence and other resources. These references include additional controls/abatement methods for workplace violence hazards.

NIOSH Safety and Health Topic: Occupational Violence.
[http://www.cdc.gov/niosh/topics/violence].

Center for Disease Control and Prevention, National Institute for Occupational Health. (2002). "Occupational Hazards in Hospitals." DHHS (NIOSH) Pub. No. 2002-101.
[http://www.cdc.gov/niosh/docs/2002-101/#5]

Federal Bureau of Investigation
The FBI has several documents addressing workplace violence and recommendations for reducing the risk. For more information visit the FBI web site at: [http://www.fbi.gov]

FBI [No Date]. Workplace Violence, Issues in Response. [http://www.fbi.gov/stats-services/publications/workplace-violence].

States Laws and Programs to Address Workplace Violence
Several states have laws that address workplace violence. Maine's Department of Labor created a 2007 Labor Report, which provided a summary of existing state laws (*Report of the Task Force on Workplace Violence and Safety to the Joint Standing Committee on Labor*). CSHOs should always check state laws and guidance prior to conducting an inspection to ensure that they are aware of the most current regulations and guidance.

In addition, some states have created websites that address workplace violence. Below is a sampling of such websites.

California
The state of California has Guidelines for Security and Safety of Health Care and Community Service Workers, which provides information and guidance to employers and employees in healthcare and community service settings about workplace security issues It also has Guidelines for Workplace Security.

Delaware
The State of Delaware has a Workplace Violence Policy document that employers can use as a guideline for a written workplace violence program. This document is available at: [http://www.delawarepersonnel.com/policies/docs/workplace_violence.pdf].

Iowa
Iowa OSHA created a PowerPoint presentation describing workplace violence risk factors and steps employers and employees can take to help reduce the occurrence of workplace violence. The Iowa Department of Administrative Services has a section of its MS Manual entitled "Violence-Free Workplace Guidelines," which applies to executive branch employees.

Minnesota
According to the Minnesota Department of Labor & Industry's Workplace Violence Prevention website, the department "works with employers and employees to increase their understanding of workplace violence in a way that emphasizes prevention and voluntary compliance."

New Mexico
The New Mexico Environmental Improvement Board, which issues occupational safety and health standards, issued a regulation (11.5.6) that requires convenience stores open between the hours of 11:00 p.m. and 5:00 a.m. either to have two workers on duty, or one clerk and a security guard, or to install bulletproof glass or other safety features to limit access to store personnel. See http://www.nmcpr.state.nm.us/nmac/parts/title11/11.005.0006.htm for more information.

New York
According to the <u>New York State Department of Labor Workplace Violence Prevention Information website</u>, the "New York State Public Employer Workplace Violence Prevention Law" was enacted to ensure that public workplaces are evaluated and that effective response and prevention strategies are implemented to prevent and minimize workplace violence.

Oregon
Oregon OSHA has published a "concise guide to preventing aggression" in the workplace entitled, "<u>Can It Happen Here?</u>" to assist employers in evaluating risks and implementing a policy against workplace violence.

Washington
According to <u>Washington's Department of Labor and Industries</u>, several existing provisions of the Washington Administrative Code may apply to the hazards of violence in the workplace. See http://lni.wa.gov/Safety/Rules/Policies/PDFs/WRD505.pdf for more information.

Wyoming
Wyoming created a sample <u>Workplace Violence and Prevention Program</u> for employers to use when drafting their company's own program.

<u>Other Resources.</u>

Canadian Center for Occupational Safety and Health (CCOHS) topic page: *Violence in the Workplace* is available at [http://www.ccohs.ca/oshanswers/psychosocial/violence.html].

Florida State University: [http://www.vpfa.fsu.edu/Employee-Assitance-Program/Workplace-Violence].

Michigan State University Criminal Justice Resources: *Workplace Violence* is available at: http://staff.lib.msu.edu/harris23/crimjust/workplac.htm. This website lists online

publications and articles, books and other sources of information pertaining to workplace violence.