

101 CMR 19.00: WORKPLACE VIOLENCE PREVENTION AND CRISIS RESPONSE PLAN

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19.01: General Provisions

Scope and Purpose. 101 CMR 19.00 governs the procedures and criteria for workplace violence prevention and crisis response plans for the Commonwealth of Massachusetts Executive Office of Health and Human Services (EOHHS) programs.

19.02: Definitions

The following terms used in 101 CMR 19.00 have the meanings given in 101 CMR 19.02, unless the context clearly requires a different meaning.

Human Service Workers - any person who works for a program. This includes, but is not limited to employees, contracted employees, interns, and volunteers.

Program - any entity operated, licensed, certified, or funded by a department, commission, office, board, division, institution, or other entity within EOHHS under M.G.L. c. 6A, § 16 that provides direct services to clients.

Workplace - any location where business is conducted, or site where the human service worker is considered "on-duty." Private vehicles used for business are included in 101 CMR 19.02: Workplace.

Workplace Violence - includes, but is not limited to physical assault or battery, or both; property damage; and intimidation or threats communicated by any means or other disruptive or aggressive behavior that causes a reasonable person to be in fear of his or her own safety or that of a colleague. Workplace violence can include actions or communications in person, by letter or note, by telephone, by fax, by electronic mail, or through social media. Incidents of workplace violence may take place between human service workers, between human service workers and clients or customers, human service workers and acquaintances, partners, or spouses, and human service workers and the general public.

19.03: Program Requirements

A program must have a workplace violence prevention and crisis response plan for human service workers that meets the criteria set forth in 101 CMR 19.04. The program must update the plan at least annually. Each program must provide a copy of the current plan, which may be electronic, to any human service worker upon request and must make available a copy of the plan in a public place where all human service workers can readily access it.

19.04: Workplace Violence Prevention and Crisis Response Plan Requirements

- (1) All programs must develop and maintain a workplace violence prevention and crisis response plan using existing staff resources that includes the following:
 - (a) a clear description of procedures for reporting acts of workplace violence;
 - (b) a system for centrally recording all reported incidents of workplace violence against human service workers. Such records must at a minimum include the names of the involved parties, date and location of incident, description of incident, and nature of any injuries. Except as requested pursuant to 101 CMR 19.07, all records created under 101 CMR 19.04(1)(b) are confidential to the extent permitted by law;

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- (c) measures the program will take in response to an incident of workplace violence against human service workers, which includes both immediate crisis response and follow-up measures;
- (d) information indicating where victims and perpetrators can go for help;
- (e) 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 termination of employment or contract; and
- (f) a statement that retaliation is prohibited against anyone who reports an incident of workplace violence.

(2) All programs must review their workplace violence prevention and crisis response plan at least annually, including all reported incidents and measures taken, and must modify the plan as indicated necessary by the review. Programs must conduct a risk assessment, and must identify and implement prevention methods to reduce the risk of workplace violence (*e.g.*, enhanced building security features, emergency contact alarms, additional training, staffing plans, and program policies).

(3) If the plan includes the creation of a violence prevention and response team or committee, it must identify existing staff as the members of such response team or committee. The team or committee may monitor ongoing compliance with the violence prevention and crisis response plan, and to assist human service workers who may be victimized by or threatened with workplace violence. The members of the team or committee may monitor such compliance and assist workers who may be subjects of workplace violence.

19.05: Training

(1) A program must require its human service workers to complete training developed and offered by EOHHS to educate human service workers about workplace violence and ways to reduce the risks of violence, including early recognition of individuals at risk of perpetrating workplace violence, unless the program certifies in writing that the program requires its human service workers to participate in an alternative training program that meets the minimum requirements established by EOHHS.

(2) Programs must require new human service workers to participate in such training described in 101 CMR 19.05(1) within the first three months of employment. All employees must participate in such training at least once every two years. The programs must maintain a written record of such participation.

(3) EOHHS may charge a fee for its training. Any such fee will be posted on the EOHHS website.

19.06: Retaliation

Retaliation by alleged offenders or programs against a human service worker for reporting an incident of workplace violence or any other violation of 101 CMR 19.00 is prohibited.

19.07: Reporting

Upon EOHHS request, each program must report to EOHHS about compliance with 101 CMR 19.00, including its workplace violence prevention and crisis response plan described in 101 CMR 19.04.

REGULATORY AUTHORITY

101 CMR 19.00: M.G.L. c. 6A, § 16 and St. 2013, c. 3, § 30.