



# Workplace Violence Prevention

Michael Alvarez, Cal/OSHA Regional Manager (retired)  
Outreach Trainer

---

- **Cal/OSHA Guidelines for Workplace Security** are a product of a broad public advisory process which was initiated at a **Conference on Workplace Security** held in Los Angeles in **April of 1994** and continued at a **Second Conference** held in San Francisco in **November of 1994**.

**Dr. John Howard**

---

- What can be done to prevent workplace violence? Any preventive measure must be based on a thorough understanding of the risk factors associated with the various types of workplace violence. And, even though our understanding of the factors which lead to workplace violence is not perfect, sufficient information is available which, if utilized effectively, can reduce the risk of workplace violence.



# Definition of Workplace Violence

- **"Workplace violence"** means any act of violence or threat of violence that occurs at the work site. The term workplace violence shall not include lawful acts of self-defense or defense of others. Workplace violence includes the following:
  - The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury;
  - An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury;

# Definition of Workplace Violence

## Four workplace violence types:

- **"Type 1 violence"** means workplace violence committed by a person who has no legitimate business in the work site, and includes violent acts by anyone who enters the workplace with the intent to commit a crime.
- **"Type 2 violence"** means workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors or other individuals accompanying a patient.
- **"Type 3 violence"** means workplace violence against an employee by a present or former employee, supervisor, or manager.
- **"Type 4 violence"** means workplace violence committed in the workplace by someone who does not work there, but has or is known to have had a personal relationship with an employee.

# Workplace Violence Prevention Plan

## Employer must establish procedures:

- To obtain the active involvement of employees and their representatives:
  - In developing, implementing, and reviewing the Plan
  - In identifying, evaluating, and correcting WPV hazards
  - In designing and implementing training
  - In reporting and investigating WPV incidents
- To coordinate with other employers whose employees work in the same facility, service, or operation

# Workplace Violence Prevention Plan

## Employer must establish procedures:

- To obtain assistance from law enforcement
  - Employer may not discipline employee for seeking help from local law enforcement
- To accept and respond to reports of WPV
- To communicate with employees regarding WPV matters
- To identify and evaluate risk factors
  - Environmental risk factors, including in outdoor areas
  - Patient-specific risk factors
  - Visitors and others who demonstrate a risk of committing WPV

# Workplace Violence Prevention in General Industry

## Advisory Meetings

General Industry Safety Orders  
Chapter 4, subchapter 7, new section

**January 25, 2018**  
10:00 am - 3:00 pm

Harris State Building  
1515 Clay St., 2nd Floor, Room 1  
Oakland, CA

This second meeting will seek input on a new draft proposal to address workplace violence in all industries. It will include a discussion on the differences between section 3203, 3342, and the proposed new section 3343. This meeting is to further the discussion of the petition granted by the Occupational Safety and Health Standards Board, Petition 542.

For questions or more information about the meeting contact [Kevin Graulich](#) at 714-567-2868.

### Meeting Documents

- [Minutes](#) 
- [Comments](#)
- [Agenda](#) 
- [Side-by-side comparison table](#) 
- [Discussion draft](#) 

# PROPOSED – In Draft

---

Draft, 12/4/17, Side-by-side WPVP comparison of sections 3203, 3342, and draft 3343

§ 3203. Injury and Illness Prevention Program	§ 3342. Violence Prevention in Health Care	§3343. Workplace Violence Prevention in general industry DRAFT
(a) Covers “every employer”	<b>(a) Scope and Application</b> – certain health care facilities, services, and operations	<b>(a) Scope and Application</b> – all employers except the facilities covered by 3342, the State of California health care facilities expressly exempted from 3342, and certain law enforcement agencies
	<b>(b) Definitions</b>	<b>(b) Definitions</b>
	Injury not defined except in subsection (g), Reporting Requirements for Hospitals	Injury defined by referring to Log 300 requirements in section 14300.7(b)(1)
<b>(a) Elements of an IIPP</b>	<b>(c) Workplace Violence Prevention Plan</b> – Available to employees at all times	<b>(c) Workplace Violence Prevention Plan</b> – Available to employees at all times
(1) Persons responsible for implementing the Program	(1) Persons responsible for implementing the Plan	(1) Persons responsible for implementing the Plan
	(2) Procedures to obtain involvement of employees and representatives in developing, implementing, reviewing Plan	(2) Procedures to obtain involvement of employees and representatives in developing, implementing, reviewing Plan
	(3) Methods the employer will use to coordinate implementation of the Plan with other employers	(3) Methods the employer will use to coordinate implementation of the Plan with other employers. where applicable

# Subsections of the Regulation

## 8 CCR § 3342:

- (a) Scope and application
- (b) Definitions
- (c) Workplace violence prevention plan
- (d) Violent injury log
- (e) Review of the workplace violence prevention plan
- (f) Training
- (g) Reporting requirements for hospitals
- (h) Recordkeeping

# Scope and Application

- Health facilities including hospitals, intermediate care, congregate care, correctional treatment centers, psychiatric hospitals
  - Including any service that falls under the hospital's license
- Home health care and home-based hospice
- Emergency medical services and medical transport, including those services when provided by firefighters and other emergency responders
- Drug treatment programs
- Outpatient medical services to the incarcerated in correctional and detention settings
- EXCEPTIONS: DDS facilities scheduled to close by 2021 are exempt. CDCR facilities are exempt.

# Workplace Violence Prevention Plan

## Employer must establish procedures:

- To correct WPV hazards using applicable, feasible methods. Examples:
  - Ensuring sufficient numbers of staff to prevent and immediately respond to WPV incidents
  - Eliminating line-of-sight barriers
  - Removing, fastening, or controlling objects that may be used as weapons
  - Preventing transport of unauthorized firearms and other weapons

# Workplace Violence Prevention Plan

## Employer must establish procedures:

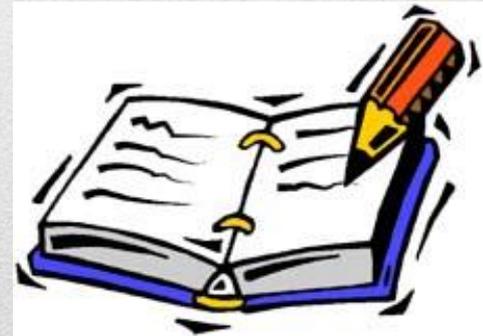
- Post-incident response and investigation
  - Provide immediate medical care and first aid
  - Make individual trauma counseling available
  - Conduct debriefing
  - Seek input on what could have prevented the incident



# Violent Incident Log

## Employer must record WPV incidents:

- Solicit information from the employees
- Omit personal identifying information
- Include particular data regarding:
  - Perpetrator
  - Circumstances
  - Location
  - Type of incident
  - Consequences of the incident
- Review the log during the annual review of the workplace violence prevention plan (Plan)



# Review of the WPV Prevention Plan

## Employer must establish and implement a system to review the Plan's effectiveness:

- At least annually – for the overall facility or operation
- Additional reviews – for the entire facility or a particular unit or operation:
  - To reflect new or modified tasks
  - To include newly recognized WPV hazards
  - To review and evaluate WPV incidents involving serious injury or death
  - To respond to information indicating a deficiency

# Training

## Basic requirements:

- Provide effective training
- Cover the required content, addressing the WPV risks that the employees are reasonably anticipated to encounter in their jobs
- Give the training at the required times
- Ensure that the employees actually receive the training

# Training

## Of interest to hospital employers:

- A hospital employer must ensure that all employees working at the hospital receive the required training
  - In dual-employer situations, the hospital is the host or site employer of the employee
  - In multi-employer situations, the hospital has contracted with another employer to perform work at the hospital
- Training may be provided by the hospital, the employee's primary or direct employer, or a contracted 3<sup>rd</sup> party
- Training may be provided online or in written format, as long as the training is effective

# Training

## Initial training

- For all employees when the Plan is first established or when the employee is newly hired or newly assigned:
  - Overview of the Plan
  - How to recognize the potential for violence
  - Strategies to avoid harm
  - Hospital alarm systems and how to use escape routes
  - Role of private security personnel, if any
  - How to report violent incidents
  - Resources

# Training

## Refresher training

- For employees performing patient contact activities and their supervisors
- At least annually
- To review topics included in the initial training and the results of reviews of the Plan
- Additional focus on information applicable to those employees

# Training

## Opportunity for interactive Qs & As

- Required for initial training and refresher training
- The person answering employees' questions must be knowledgeable about the employer's Plan
- Computer-based learning is permitted so long as questions can be answered within one business day



# Training

## Specified training

- For employees assigned to respond to violent incidents or confront or control persons showing violent behavior:
  - General and personal safety measures
  - Aggression and violence predicting factors
  - The assault cycle
  - Characteristics of aggressive and violent patients and victims
  - Verbal intervention and de-escalation techniques and physical maneuvers to defuse and prevent violent behavior
  - Strategies to prevent physical harm
  - Appropriate use of restraining techniques
  - Appropriate use of medications as restraints
- Opportunity to practice maneuvers and techniques with other team members; debrief of the practice session to correct issues

# Reporting Requirements for Hospitals

- Required by SB 1299
- Covers general acute care hospitals and acute psychiatric hospitals
- Must report to Cal/OSHA any violent incident that involves
  - The use of physical force against an employee by a patient or a person accompanying a patient that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury; or
  - An incident involving the use of a firearm or other dangerous weapon, regardless of whether the employee sustains and injury

# Reporting Requirements for Hospitals

- **Report within 24 hours:**
  - A fatality or an injury that requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement
  - An incident involving the use of a firearm or other dangerous weapon
  - An urgent or emergent threat to the welfare, health, or safety of hospital personnel such that they are exposed to a realistic possibility of death or serious physical harm

# Reporting Requirements for Hospitals

- **Report within 72 hours:**
  - All other incidents involving the use of physical force against an employee by a patient or a person accompanying a patient that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress
  - Regardless of whether the employee sustains an injury
  - For this requirement, injury is defined as meeting the criterion in the Log 300 recordkeeping requirements, generally as requiring medical treatment beyond first aid

# Recordkeeping

- Records of WPV hazard identification, evaluation, and correction – one year
  - Training records – one year
  - Records of violent incidents – five years
    - Do not include “medical information”
  - Make available to Cal/OSHA, employees, and employee representatives on request
-

# Phased-In Implementation

- Employers must implement the following subsections by April 1, 2017:
  - (d) Violent Incident Log
  - (h) Recordkeeping
- Employers must implement the following subsections by April 1, 2018:
  - (c) Workplace Violence Prevention Plan
  - (e) Review of the Workplace Violence Prevention Plan
  - (f) Training

Hospital employers must report violent incidents to Cal/OSHA starting on July 1, 2017.

# Resources

- 8 CCR § 3342: Workplace Violence Prevention in Health Care
  - OSHA Publication 3148: Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers, 2004
  - OSHSB Workplace Violence Prevention in Health Care page
    - <http://www.dir.ca.gov/OSHSB/Workplace-Violence-Prevention-in-Health-Care.html>
    - Final statement of reasons
    - Documents Relied Upon
    - FAQs for 8 CCR §3342  
<https://www.dir.ca.gov/dosh/documents/hospital-workplace-violence/faq.pdf>
-

Department of Industrial Relations

This Site California

Home Labor Law Cal/OSHA - Safety & Health Workers' Comp Self Insurance Apprenticeship Director's Office Boards

Cal/OSHA

The Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, protects workers from health and safety hazards on the job in almost every workplace in California through its research and standards, enforcement, and consultation programs. Cal/OSHA also oversees programs promoting public safety on elevators, amusement rides, and ski lifts. In addition, the division oversees programs promoting the safe use of pressure vessels (e.g., boilers and tanks).

**Workers**

- Health & Safety Rights: Facts for California Workers **NEW**
- Protecting Temporary Agency Employees **NEW**
- Learn about worker rights
- Report a labor law violation
- Report a bad employer in the underground

**Employers**

- Required for employers:
  - » Notifications » Postings » Recordkeeping
- Consultation Services
- Permits, registrations, certifications & licenses
- Payments—invoices and penalties
- Develop an injury & illness prevention program

Cal/OSHA

**Quick Links**

- File a workplace safety complaint
- Learn about worker rights
- Obtain a free consultation

**Cal/OSHA Branches & Units**

**Branches**

- Enforcement
- Consultation

**Units**

- Amusement Ride and Tramway
- Asbestos and Carcinogen
- Crane

FEEDBACK

Guidelines for Preventing

**workplace violence**

for Healthcare and Social Service Workers

OSHA

QUESTIONS?