Workplace Violence Categories and OSHA Enforcement

WITC Safety Day Panel
Rice Lake, WI
April 8, 2014

Mary Bauer CIH, CSP
Compliance Assistance Specialist
Eau Claire, WI  54701
715-832-9019  bauer.mary@dol.gov
My Background

• Mary Bauer
• Eau Claire Area OSHA Office
  Compliance Assistance Specialist (CAS)
  1310 West Clairemont Ave
  Eau Claire, WI 54701
  715-832-9019
  bauer.mary@dol.gov

• Compliance Officer for 20 Years
• CAS for 8 Years
• All in Eau Claire Area Office
• CIH: Certified Industrial Hygienist
• CSP: Certified Safety Professional
Law Enforcement

- Chris Fitzgerald
- Barron County Sheriff

- Early Intervention to Active Shooter
- Tips for Controls that can be implemented
Human Resource/Employer

- Mark Enter
- Plant Manager
- Lakeside Foods, New Richmond, WI

- Policy for Firing/Layoff/Disciplinary Actions
- Security: Food Safety
Topics to Cover

- Definitions / Background
- 4 Categories of Violence
- OSHA’s Expectations
- References
- Discussion – Seeking Best Practices
Workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the work setting.

NIOSH defines workplace violence as violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty.
Definition Cont’d

• A workplace may be any location either permanent or temporary where an employee performs any work-related duty.

• This includes, but is not limited to, the buildings and the surrounding perimeters, including the parking lots, field locations, clients’ homes and traveling to and from work assignments.
Healthcare

- Nursing Homes
  - Alzheimer’s: Altered
- Home Health Care
  - Unstable
  - Several Fatalities
    Nation wide
- Hospitals
  - ER
  - Visitors
    - Concealed Carry Issues

**Dec 11, 2012:** Police say Ross was stabbed to death by Lucious Smith when the young worker for Integra Health Management went to Smith's Dade City home. She went there, they say, to make sure the 53-year-old was taking his medications, and that his paperwork for treatment was in order.
• **Four dead in Wisconsin salon shooting, including gunman** October, 2012

• Seventeen days ago, Radcliffe Haughton allegedly slashed his wife's tires outside a suburban Milwaukee salon.

• Three days ago, the 45-year-old man was issued a restraining order mandating that he stay away from her for the next four years.
Fatal occupational injuries, by major event, 2012*

More fatal work injuries resulted from transportation incidents than from any other event in the 2012 preliminary counts. Roadway incidents alone accounted for nearly one out of every four fatal work injuries.

*Data for 2012 are preliminary.
NOTE: Reference year 2011 constitutes a series break from earlier years for event data. For more information, see http://www.bls.gov/iif/osh_noticc11.htm. Percentages may not add to 100 due to rounding.
Industry Most Affected by WPV

Industries Most Affected by Workplace Violence in 2011

- Government
- Retail
- Restaurants and Bars
- Manufacturing
- Taxi and Limousine Service
- Real Estate
- Investigation, Guard, and... 
- Ambulatory Health Care...
Facts About Workplace Violence

- Very few organizations will ever experience disturbed employees engaging in shooting sprees that wound and kill multiple victims.

- A far greater number will face other forms of workplace violence:
  - Threatening behavior and violent events that are less spectacular and less deadly.
  - Nonetheless, significantly damage the well-being of an organization and place employees in harm’s way.
1 in 4 workers has been harassed, threatened or attacked. Co-workers responsible for the majority of the harassment, followed by customers.

Leading cause of workplace death for women (2nd leading cause for men)

Around 1,000 workers are victims of homicide each year.

Fastest growing category of murder in the U.S.
The Categories of Workplace Violence

Four broad categories:

- **TYPE 1**: Violent acts by criminals who have no other connection with the workplace, but enter to commit robbery or another crime.

- **TYPE 2**: Violence directed at employees by customers, clients, patients, students, or others to whom services is provided.

- **TYPE 3**: Violence against coworkers, supervisors, or managers by a present or former employee.

- **TYPE 4**: Violence committed in the workplace by someone who doesn’t work there, but has a personal relationship with an employee—an abusive spouse or domestic partner.
Worker on Worker

- Most likely to occur
- Vertical:
  - Manager to Worker
- Lateral:
  - Worker to worker

These behaviors go by several names: lateral or horizontal violence, incivility, nurse-to-nurse bullying, sabotage - “nurses eating their young.”

When do you call “911”?
Cyper-Stalking….

- Texting
- Facebook
- Company Emails
- Voicemail Messages
- Computer Sabotage
- Blogs
Intimate Partner Violence and Stalking

The Impact on the workplace

“He may not know where she lives, but he does know where she works...”
Restraining Order / Order of Protection

- In US, 3 women per week are killed by their partners
- Not uncommon for workplace to be listed as part of an Order of Protection
  ✓ Workplace may never be informed
    - Wouldn’t you want to know?
Link To OSHA’s Directive

• Very Limited
  – Complaint/Referral
  – Fatality
  – If on site for another reason at a high-risk industry i.e. **NEP for Nursing Homes**
• If we receive a complaint alleging threatening behavior, we will **REFER** to local law enforcement.
General Duty Clause

- Section 5(a)(1) of the Act
- "...that each employer shall furnish...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."
- Applies when there is no specific standard
High Risk Industries
OSHA Guidelines

- Health Care
  - Pharmaceuticals
  - Patients
  - Visitors
- Late Night Retail
  - Handling Money
- Taxi Cab Drivers
Expectations?

• Develop a Comprehensive Written Plan
• Implement Engineering Controls
  – Physical Barriers
  – Locks
  – Lighting
  – Mirrors
  – Alarms/Panic Button
  – Clear Glass vs. Fogged
• Implement Administrative Controls
  – Additional Staffing
  – Limit Hours
• Training
  – Employee Rights
  – Reporting Procedures
  – Investigation Techniques and Possible Solutions
  – Drills
• Office/Vehicle Damage (Criminal)
• Customer/Client
  – At Inspection Sites
  – Phone Calls
  – Informal Conferences
• Personal Relationship
  – Divorce
  – Child Custody
Eau Claire AO WPV Drill

- Scenario: Upset employer in the Conference Room....
- Original Plan: Go to Shelter in Place
  - Door Brace Failed
- One left in office area
Sources of Assistance

- OSHA Consultation Program
- OSHA Internet Site: [www.osha.gov](http://www.osha.gov)
- NIOSH
- Public Safety Officials
- Trade Associations
- Unions and Insurers
- Human Resource and Employee Assistance Professional
This Workplace Violence website provides information on the extent of violence in the workplace, assessing the hazards in different settings and developing workplace violence prevention plans for individual worksites.
OSHA Publication: Health Care & Late Night Retail

• Violence Prevention Program
  – Based on OSHA’s Safety and Health Program Management Guidelines published in 1989
    • Mgmt / Employee Involvement
    • Worksite Analysis
    • Hazard Prevention and Control
    • Training

• WPV Checklist
• Incident Reporting Form
“Industry Standard” for Human Resource Profession
Workplace violence prevention

The Department of Labor and Industry works with employers and employees to increase their understanding of workplace violence in a way that emphasizes prevention and voluntary compliance. This allows them to recognize, avoid and prevent violence in the workplace. Success is measured by requests for services and creation of partnerships to accomplish these goals.

Statistics show 1,000 work-related assaults are reported in Minnesota each year -- nearly 20 a week. Violence in the workplace is a serious public health problem; it affects all of us and we all have a responsibility to do something about it. The Minnesota Department of Labor and Industry has established a Workplace Violence Prevention Resource Center to assist the public through:

- consultation
- outreach
- training -- brochure: Preventing workplace violence

Resources
A resource library is available to the public. Contact Vikki Sanders for more information about the Workplace Violence Prevention Resource Center.

- A comprehensive guide for employers and employees
- Appendices to the guide
  - Appendix A -- Model policy
  - Appendix B -- Sample forms
  - Appendix C -- Threat and assault log
  - Appendix D -- Five warning signs of escalating behavior
  - Appendix E -- Sample workplace weapons policy
  - Appendix F -- Sample policy about domestic violence in the workplace
  - Appendix G -- Personal conduct to minimize violence
Oregon State Plan
FREE ONLINE TRAINING!!!
Health Care Course

Active Shooter Video

- https://www.youtube.com/watch?v=5VcSwejU2D0&feature=player_embedded
Understand?  Questions?  Confused?

But the cat gets to poop in the house.
What is “Zero Tolerance”? 

- Are you willing to send your best worker out the door?
- Are there “two sides to the story”?  
  - Multi-Disciplinary Team
- “You may not administer the fullest extent of the consequences but you do not tolerate the behavior.”
What is the difference between Sexual Harassment and WPV?

- Can your Sexual Harassment Program mirror your WPV Program?
- Are there similarities?
Drill Experiences?

- Identify situation?
- React?
When do you call “911”? 

- When does a disagreement or action trigger
  - Seeking Advise?
    - Legal Council
    - Public Authorities
  - Calling/Alerting/Reporting to Authorities?
  - a “911” call?
What does “no weapons” mean?

• Seek Legal Advice
• How do you screen for weapons?
• What do you do when weapons are found?
• Definition of “weapon”?
  – Pocket Knives?
  – Letter Opener?
Policy for Firing/Layoff/Disciplinary Actions?
Recommendations - What are the options for addressing WPV at various stages?

- Some of Mr. Plansky’s recommendations include:
  - Implement workplace violence program whereby employees are trained to act as “eyes and ears” and report any suspicions to human resources or designated superior
  - Introduce an anonymous hotline for tips from employees
  - Before firing an employee, prepare with background research:
    - Is he or she combative? Have a license to carry fire arms? Going through personal distress? Have a history of mental illness?
  - When firing an employee, coordinate termination of key card and IT access; do not let the employee return to desk to collect personal belongings
  - When firing an employee, offer support such as career or resume counseling. Avoid firing an employee on a Friday because he or she will spend all weekend “stewing” without support
  - When firing an employee, offer severance that is paid out over a period of time – such as six months – to encourage good behavior while giving the employee time to cool down