



# NURSE COUNCIL WEBINAR

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WORKPLACE VIOLENCE AND THE NEW REQUIREMENTS

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## What is Workplace Violence?

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Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths. However it manifests itself, workplace violence is a growing concern for employers and employees nationwide.

## Who is Vulnerable?

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Some 2 million American workers are victims of workplace violence each year. Workplace violence can strike anywhere, and no one is immune. Some workers, however, are at increased risk. Among them are workers who exchange money with the public; deliver passengers, goods, or services; or work alone or in small groups, during late night or early morning hours, in high-crime areas, or in community settings and homes where they have extensive contact with the public. This group includes **health-care** and social service workers such as visiting nurses, psychiatric evaluators, and probation officers; community workers such as gas and water utility employees, phone and cable TV installers, and letter carriers; retail workers; and taxi drivers.

## What can Employers Do to Help Protect Their Employees?

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The best protection employers can offer is to establish a zero-tolerance policy toward workplace violence against or by their employees. The employer should establish a workplace violence prevention program or incorporate the information into an existing accident prevention program, employee handbook, or manual of standard operating procedures. It is critical to ensure that all employees know the policy and understand that all claims of workplace violence will be investigated and remedied promptly. In addition, employers can offer additional protections such as the following: Provide safety education for employees so they know what conduct is not acceptable, what to do if they witness or are subjected to workplace violence, and how to protect themselves.

## What can Employers Do to Help Protect Their Employees?

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Secure the workplace. Where appropriate to the business, install video surveillance, extra lighting, and alarm systems and minimize access by outsiders through identification badges, electronic keys, and guards.

Instruct employees not to enter any location where they feel unsafe. Introduce a “buddy system” or provide an escort service or police assistance in potentially dangerous situations or at night.

## How can the Employees Protect Themselves?

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Nothing can guarantee that an employee will not become a victim of workplace violence. These steps, however, can help reduce the odds:

Learn how to recognize, avoid, or diffuse potentially violent situations by attending personal safety training programs.

Alert supervisors to any concerns about safety or security and report all incidents immediately in writing.

## Cal/OSHA – Workplace Violence

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Healthcare employers in California must comply with a host of new workplace safety requirements that became effective on **April 1, 2017**, on preventing **workplace violence**.

The new requirements include written workplace violence prevention plans, additional recordkeeping, and preventive training. **Cal/OSHA** stipulated that the new regulation affect all health care facilities. “Health facility” (H&S Code 1250) means any facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a 24-hour stay or longer.

## The Regulation Lists Seventeen Types of Covered Health Facilities Including:

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Skilled Nursing Facilities and Nursing Facilities;

Intermediate Care Facilities;

Intermediate care facilities for the Developmentally Disabled;

Intermediate Care Facilities for the Developmentally Disabled – Habilitative;

Intermediate care facilities for Developmentally Disabled – Nursing; and

Intermediate Care Facilities for the Developmentally Disabled - Continuous Nursing.

## What are the Types of Workplace Violence?

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**Cal/OSHA** designed its regulation to prevent workplace violence for the **four types** of workplace violence recognized by safety regulators:

We will review the 4 types.

### Type 1

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*Type 1:* The individual has **no legitimate relationship** to the workplace and enters the workplace to commit a **criminal act**. An example in the health care industry is an aggressor coming to a hospital to assault a patient. This type of violence is more common in facilities located in high crime areas.

## Type 2

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The individual is either the **recipient or the object of a service** provided by the workplace. Examples are patients, residents, or visitors of the health care facility. This is common with patients of dementia, schizophrenia, autism, or other mental or physical debilitating conditions.

## Type 3

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The individual has an **employment relationship** with the workplace, such as a current or former employee.

## Type 4

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The individual has no direct relationship with the workplace, but typically has a **relationship with an employee**, such as a significant other or family member. This commonly involves a domestic violence situation.

## Implementation - 2017

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### Violent Incident Log

A **new recordkeeping requirement** requires all health care facilities to keep a **Violent Incident Log** that records every incident, post-incident response, and workplace injury investigation to include:

Date, time, and department of the incident;

Detailed description of the incident;

Classification of who committed the violence (private patient and employee information should be excluded);

Description of the circumstances;

Location of where the incident occurred;

## Implementation - 2017

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Type of incident (physical with what type of force, weapon involved, threat of force or weapon, and sexual assault or threat, including an unwanted verbal/physical sexual contact, animal attack, or other);

Consequences of the incident (whether medical treatment was provided, who needed assistance, whether security or law enforcement was contacted, amount of time lost from work, and actions taken to prevent continuing threat); and

Information about the person completing the Log

## Recording Keeping System

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Employers should create and retain reports of hazard identification, evaluation, and correction, similar to the IIPP standard. However, employers need not keep records of periodic or scheduled inspections;

Employers also should retain training records for at **least one year**. These records should include training dates, summary of the training, names and qualifications of the trainer, and names and job titles of attendees. The name of the department or unit also should be recorded. Employers should keep records of violent incidents, including violent incident logs and investigations, for **five years**; and

Employers should plan to provide all documents to the Chief of Cal/OSHA or employees upon request.



## The Workplace Violence Prevention Plan

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The new regulation requires that **employers establish, implement, and maintain a written Workplace Violence Prevention Plan (WVPP)** for each unit, service, and operation. This means a healthcare employer may have separate WVPP sections that apply to and reflect the different hazards in separate units.

The new regulation states the **WVPP can be a part of the Injury or Illness Prevention Plan (IIPP)** or a separate document, but it must be specific to address hazards and corrective measures for each unit.

## There are 13 elements to be Addressed in the Plan for Compliance.

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- 1. Names or job titles of persons responsible for implementing the plan.** The WVPP requires someone to be in charge of the plan. This person should be in charge of gathering all data, keeping all training records and violent incident logs, and updating the plan as necessary.
- 2. Effective procedures to obtain the active involvement of employees and their representatives.** The regulation requires that employees be involved in developing, implementing, and reviewing the plan. Employers should provide employees with a process to discuss incidents and activities that occur in each unit.

## Elements (cont'd)

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3. **Procedures to coordinate the implementation of the program with the contingent or contingent workforce or employees of other employers.** The plan must cover situations where the contingent workforce or other employers' workforce operates at the facility.
4. **Anti-retaliation statement.** The plan must state the employer's retaliation policy. The policy must state that the employer prohibits retaliation against any employee who seeks assistance from local emergency services or law enforcement, or who obtains assistance from law enforcement.

## Elements (cont'd)

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5. **Procedures to coordinate supervisory and management roles with requirements under the IIPP standard.** The WVPP must be consistent with the responsibilities described in the IIPP. All employers should review their IIPP when drafting the WVPP to ensure consistency.
6. **A central coordination procedure.** The WVPP must contain effective procedures for obtaining assistance from the appropriate law enforcement agency. This may include creating and implementing a central coordination procedure.

## Elements (cont'd)

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- 7. *Procedures for responding to reports of workplace violence.*** The regulation requires employers to develop a plan that describes how they will respond to each workplace violence incident. This should show coordination and implementation of the policy. It also gives employees some expectations after a violent incident occurs in the workplace. This plan includes effective procedures for the employer to accept and respond to reports of Type III violence and to prohibit retaliation against any employee who makes a report to law enforcement.

## Elements (cont'd)

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- 8. *Procedures to communicate with employees about workplace violence matters.*** If an event occurs or there is a potential incident that may occur, Cal/OSHA wants employers to have means to communicate and warn all employees. The regulation requires that employers have a procedure to give certain types of warnings.
- 9. *Procedures to develop and provide training.*** The employer must create a training program that provides initial, refresher, and pre-work training (discussed further below). Employers must allow employees and their representatives to participate in developing and delivering the training program.

## Elements (cont'd)

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10. **Assessment procedures to identify and evaluate risk factors.** At least once a year, employers must evaluate and review environmental risk factors, community-based risk factors, and types of health care provided, among others things.
11. **Procedures to identify and evaluate patient-specific risk factors and visitor assessment.** These risk factors would involve evaluating the propensity of a patient or a patient's visitor becoming violent. Cal/OSHA will look closely at these procedures for patients that have such conditions as dementia, autism, sociopathy, schizophrenia, and other mental or physical conditions that include paranoia or uncontrollable actions.

## Elements (cont'd)

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12. **Engineering and work practice controls.** The WVPP requires employers to state what engineering and work practice controls they have. This is one of the most controversial areas of the regulation.
13. **Procedures for post-incident response and investigation.** The WVPP must include procedures for post-incident response and investigation. Similar to the IIPP, it should include sample forms used by the employer and completed for each investigation. It also should include steps on what the WVPP custodian/investigator will do in the event of an investigation and steps to ensure the plan will be updated to prevent the recurrence of an incident. The procedures must include providing medical care post-incident, identifying employees involved, providing individual trauma counseling, debriefing those involved, reviewing new foreseeable risk factors, and reviewing the effectiveness of corrective measures.

## How often do I update the plan

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**Employers must review the WVPP annually.** Employers should plan to review and update the WVPP whenever necessary to address new procedures, hazards, and foreseeable risks after incidents or after receiving any other information from employees.

## 2018 Workplace Violence Training

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The new regulation notes that the training should include the active involvement of employees and their representatives in developing training curricula and training materials.

## What Must be in the Training?

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Healthcare employers must provide **training** to all employees which must include:

**Initial training** involving all aspects of the WVPP. Initial training should be provided with the WVPP and include how to recognize a potential violent situation, strategies to avoid physical harm, reporting processes (including how to report to law enforcement), alarm and alert systems at the hospital, locations for sheltering in the event of an incident, hospital exit routes, resources available for employees coping with incidents.

## Training (cont'd)

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**Refresher training** annually to employees with patient contact activities and for all supervisors; and

**Pre-work training to employees that are to respond to alarms.** The regulation orders additional training for employees who respond to alarms or other notifications of violent incidents or whose assignments involve confronting or controlling persons exhibiting aggressive or violent behavior. The additional topics for include aggression and violence prediction factors, the assault cycle, characteristics of aggressive and violent behavior, verbal and physical maneuvers to defuse potential situations, strategies to prevent physical harm, proper restraining techniques, appropriate use of medication or chemical restraints, and an opportunity to physically practice maneuvers and techniques.

## 2017 Record Keeping

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Employers should create and retain reports of hazard identification, evaluation, and correction, similar to the IIPP standard. However, employers need not keep records of periodic or scheduled inspections;

Employers also should retain training records for at **least one year**. These records should include training dates, summary of the training, names and qualifications of the trainer, and names and job titles of attendees. The name of the department or unit also should be recorded. Employers should keep records of violent incidents, including violent incident logs and investigations, for **five years**; and

Employers should plan to provide all documents to the Chief of Cal/OSHA or employees upon request.

## Who can Assist Me?

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Employers who need assistance in addressing workplace security hazards are invited to contact the nearest Cal/OSHA Consultation Service Area Office.

Call **1(800) 963-9424**, or

Email - [InfoCons@dir.ca.gov](mailto:InfoCons@dir.ca.gov)

Any Questions?

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