

Workplace Violence Prevention: The New York State Experience

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Introduction

On June 7, 2006 New York State enacted Article 2 Section 27-b of the New York State Labor Law entitled The Workplace Violence Prevention Act for Public Employees. This law requires public employers to develop and implement a Workplace Violence Prevention Plan. Those employers with 20 or more full time employees must develop their plan in writing. Schools covered under the school safety plan requirements of the education law are exempt from this requirement.

The law required that the New York State Department of Labor (NYSDOL) promulgate regulations detailing implementation of the provisions of the law. NYSDOL has drafted 12 NYCRR Part 800.6 “Public Employer Workplace Violence Prevention Programs” (WVPP) to fulfill that obligation. The guide may be used to assist public employers and employees in understanding key steps in establishing a public employer WVPP; and as a tool in tailoring programs to the actual needs and conditions of the different types of public employment based on their operations and exposures.

The purpose of this presentation is to focus attendees on the necessity and merits of implementing a comprehensive Workplace Violence Prevention Program from a risk management perspective for any organization, public or private, by presenting the elements of the NYSWVP Act, as it stands currently in its proposed draft (See Note on Page 2) and why these elements are pertinent and effective for all companies, organizations, public entities, etc., even if other states have not mandated similar legislation.

Workplace Violence Prevention Program Elements

Management Commitment/Employee Involvement

Workplace Violence Prevention Policy/Statement

Risk Evaluation

Incident Reporting/Recordkeeping System

Employee Training/Information

Hazard Control/Prevention Measures

Program Evaluation

NOTE: Under the NYS Administrative Procedures Act, municipal organizations have an opportunity to comment on the legislation with the latest proposal issued with draft changes to the January 23, 2008 and updated November 2008 drafts, though the specific elements listed remain in effect. Finalization of the regulation is expected sometime in 2009.

Recent Draft changes were discussed at a January 8, 2009 meeting of Public Employers Coalition consisting of the Mayor's office of the City of New York, Metropolitan Transportation Authority, NYS Association of Counties, Nassau County, NYS Conference of Mayors, and the Association of Towns of the State of New York reflected changes to certain items of language in the original draft that include striking an objectionable definition of an Authorized Employee Representative and replace it with the option to use Participation of an Authorized Employee Representative or representative group; expanded union role; and to terms of verbal abuse and threatening behavior.

***In any event, as of this writing, there were 2 Public Hearings held on January 20 and February 3, 2009 to allow for final comments prior to the promulgation of the final rule and it must be realized that some of these elements outlined in this paper may be modified or struck from the Act altogether; though their use and implementation are still considered feasible or essential from a risk management perspective for these public sector entities as well as any other organization, public or private to provide a safe workplace from recognized hazards where they apply.**

Getting Started

The NYS regulation 12 NYCRR PART 800.6 provides for an Authorized Employee Representative or representatives to be invited to enhance full employee and employee representative participation, as well as union involvement, in the development of the elements of the program as listed above. In addition to union involvement, getting input from staff, which has the most direct experience with workplace violence, will help ensure that the risk assessment and hazard controls are relevant, useful, and effective.

Union involvement is particularly effective where there are existing labor-management or health and safety committees; and involving unions up front, before decisions are made, often leads to more effective programs and prevents adversarial outcomes. They can often do a more effective job of expressing employee's concerns and bring significant expertise and resources to the table.

Relative to union involvement the regulation, as it stands currently, places the burden on the employer to identify confidential security information it needs to withhold and to give the union advance notification that such information is to be withheld in an effort ensure that security operations of the employer are not compromised.

The regulation does not ban the use of existing committees or forums, and suggests that public employers consider whether these committees or forums would allow for adequate resources for the scope of the work essential to develop and effective WVPP.

For the purpose of this presentation, it is suggested that each organization consider the above options and evaluate what would serve their best interest.

Extent of the Workplace Violence Problem

Nationwide, there were 610 workplace homicides in 2007. This is a 43% decline since 1994 when Workplace Violence Prevention laws were first drafted.

In **New York State** there were 25 workplace homicides in 2007, 4 of which involved public sector workers, also representing a decline from the same period, though the actual percentage is not provided. There were 121,000 lost workday cases in the same year of which 6,120 or 5% were caused by assaults. Of these 2,590 cases or 8.9% of all local government cases involved assaults and 1,590 cases or 16.6% of all state government case involved assaults.

(Despite the reductions noted above, according to BLS statistics provided by the NYSDOL, the economic impact of Workplace Violence accounts for on the average 1,175,000 lost work days annually across the nation affecting 500,000 workers and still represents a significant workplace hazard to be addressed).

Overall, the incidence of assault related workplace injuries and illnesses are significantly higher in New York State's public sector than it is in the private sector, particularly with respect to employees of state agencies.

*New York State is the only state that is adopting legislation which obligates all public employers, regardless of whether the employer's workplaces exhibit a high or low incidence rate of workplace assaults, to implement the same program and procedures.

Relative to New York State, various high profile cases that affected the NYS Public Sector included:

-The death of four Watkins Glen social service workers who were murdered by a client whose check was being garnished for non payment of child support.

-The murder of a Buffalo mental health intensive care manager by a patient during the course of a home visit.

-The stabbing of a state public relations officer in her office by a citizen who was enraged by certain state policies.

What is Workplace Violence?

High profile events like these represent a tiny fraction of workplace violence incidents. The majority of incidents in the public sector workplace include assaults and verbal and non-verbal threats from customers, patients, clients, co-workers and inmates. It is important to organizations establishing a WVPP to understand the different types of violence and what constitutes a workplace violence incident.

According to the most recent draft changes the definition of a Workplace Violence Incident under 12 NYCRR PART 800.6 is “Any physical assault or “acts of aggressive behavior”, which is defined as to include (but not limited to) such conduct as verbal threats, displays of force, and stalking, occurring where the public employee performs any work-related duty in the course of his or her employment”. It should be emphasized that the “workplace” is considered permanent or temporary, filed locations, clients’ homes, job sites, traveling to and from work assignments, etc.

Though the draft eliminated the previous terms that included “threatening behavior and verbal abuse” these could be still be included in the definition if it is perceived they could rise to the level where it is perceived that there is potential of violence.

***While this is the state regulation definition; for the purposes of a risk management program an organization in the public or private sector is encouraged to consider any act where the victim perceives a potential threat of violence and/or where verbal abuse and harassment may be perceived to rise to the level of violence.**

Typology of Workplace Violence

The typology of workplace violence was developed by California OSHA, and it describes the relationship between the perpetrator and the target of workplace violence:

Type 1 Criminal Intent: Violent acts by criminals who have no other connection with the workplace but enter to commit a robbery or other crime. An example of a Type 1 workplace violence incident is the hostage taking and robbery committed at a NYS Dept of Motor Vehicles License and Violation Center in November 2004.

Type 2 Customer/client/patient/: Violence directed at employees by customers, clients, patients, students, inmates, members of the public or any others whom the public employer provides a service to. This is the predominant type of violence in any institutional type setting typical to healthcare and social services. With municipalities this could also include correctional facilities, administration offices such as tax receiver, assessor's, justice court, etc.

Type 3 Co-Worker: Violence against coworkers, supervisors, or managers by a present or former employee.

Type 4 Personal: Violence in the workplace by someone who doesn't work there, but has a personal relationship with an employee. This refers to domestic violence situations and is usually perpetrated by an acquaintance or family member while the employee is at work.

Program Development

The WVPP needs to include a description of the risk factors identified in the risk assessment and the methods the employer will use to prevent workplace violence. There is no "one size fits all" approach that is effective. Different operations have different risk and exposures associated with them and should be evaluated separately and form the basis of the final program.

Overall, the employer need to demonstrate that they have implemented specific control measures based on these assessments intend to protect employees from those risks specific to their job tasks. The intent is to allow employers flexibility in determining the appropriate methods they choose to employ.

Employers are encouraged to integrate existing policies and procedures into their WVPP, especially if they have proven to be effective. Upon completion of the required elements, the employer is responsible for ensuring effectiveness of the WVPP through periodic review and investigation of incidents and reports.

***While this is the requirement of the NYS regulation, all employers – public or private - should utilize this approach to develop the most effective WVPP.**

The Workplace Violence Prevention Program (WVPP)

The written WVPP program must include:

- A list of the risk factors found during the workplace evaluation
- Control methods the employer will use to prevent workplace violence incidents
- A copy of the policy statement
- A description of the employer's risk evaluation and determination process
- A description of the workplace violence incident reporting system and how data are analyzed
- A detailed description of employee training programs that the employer is providing to address the various factors
- A description of agreements with law enforcement agencies, as needed
- WVPP annual review dates

***These elements are suggested for any organization in the public or private sector developing a similar program. Organizations are encouraged to adopt these measures with or without any state required mandate.**

Upon completion of the written WVPP, the employer is responsible for ensuring the policies are implemented and are fairly enforced within the workplace. The written program and copies of the risk assessments will be made available to employees, their authorized representative(s), and the Department of Labor.

The Workplace Violence Prevention Policy Statement

The regulation requires the employer to post a Workplace Violence Prevention Policy Statement in a conspicuous location where employee notices are normally posted. The policy statement can be a one page document that briefly summarizes the employer's commitment to staff safety and health, the WVPP goals and objectives, how to report an incident and specifically to whom, and the process the employer will use to ensure employee and union participation in the program (See sample WVPP Policy Statement). (A sample Workplace Violence Prevention Policy Statement is contained in Appendix 1 of these guidelines)

***For public sector municipalities this statement should be adopted and signed by the board stating their commitment to having a zero tolerance for workplace violence and mandating supervisory and employee support for this. Other organizations such as the private sector should have this statement signed and distributed by top management.**

Risk Assessment

The employer is responsible for assessing the employees' work environment for the risk factors (hazards) they are actually or potentially exposed to. 12 NYCRR PART 800.6 requires the participation of the Authorized Employee Representative (or designated staff or task group) during this process. The following are key methods of conducting the risk evaluation:

A review of the employee accident and illness statistical information may help identify trends and the types, causes and severity of injuries. Public employers in New York State are required to maintain the SH 900 Log of Occupational Injuries and Illnesses. Other public employers in other states should use similar types of incident reporting databases. All employers – public or private – should also utilize other types of data such as OSHA Logs, police reports, employee/union grievance reports, any other incident reports utilized by your organization, etc.

A physical workplace evaluation is to be done to consider the need for security improvements based on the type of setting and other occupational factors. Examples are location of money, round the clock operation, located in a high crime area, etc. This part of the assessment will examine building access, lighting, door locks, alarms, isolated spaces, etc. (Appendix 3 of these guidelines includes a model Workplace Security Checklist that can be tailored to the physical evaluation of an organizations building and grounds facilities)

Employers may generate additional risk and prevention information by conducting staff surveys and/or focus groups

(Note: while the risk evaluation is required under the Act, employee surveys/focus groups are not specifically required, but should be considered effective measures).

If a survey is used, it is important to consider how the data will be used when drafting the questions. Responses should be confidential, and the survey should be simple to complete. Allowing it to be completed at work will facilitate a high response rate.

Focus groups are small groups of staff, where a neutral facilitator generates a risk discussion of perceived risk factors and solutions. (A sample employee questionnaire and Focus Group guidelines are provided in Appendices 4 and 5).

Risk Factors

The risk evaluation measures outlined above should help in accurately assessing the employee work environment for risk factors that may include:

- Contact with the public
- Handling money
- Working late at night/alone
- Uncontrolled access to the workplace
- Poor outdoor lighting
- Lack of training in recognizing and managing escalating hostile and aggressive behavior

Incident Reporting/Recordkeeping

The recordkeeping requirements outlined in 12 NYCRR Part 801, Recording and Reporting Public Employee's Occupational Injuries and Illnesses, must be used for workplace violence incidents. In addition, to Part 801, the employer needs to create an incident reporting system to ensure that all threats and workplace violence incidents are reported to management.

These reports will provide written notification when a violence incident occurs so that management can develop an appropriate response. Also, the Incident Report will create a historical record that can be used in the annual risk assessment and program evaluation. (A sample Incident Report is provided in Appendix 2 of this guide).

At a minimum, the information that should be included on the Incident Report:

- Workplace Location
- Time of Day/Shift
- Incident Description including what happened just prior to the incident and how the incident ended.
- Name and job titles of employees involved
- Name or other identifier of clients or patients involved
- Extent of injuries
- Names of witnesses

***All employers are encouraged to utilize the above procedures for any reports of aggressive behavior or threats or abuse that rise to the level of aggressive behavior. All threats or aggressive behavior should be reported whether or not they resulted in actual violence or**

assaults to identify developing patterns of aggression that could eventually lead to an actual violent episode. This is critical to the overall safety effort for any organization in preventing an actual incident of physical violence that could lead to serious injury or death.

After any injured employees receive prompt and appropriate medical treatment or transport to a medical facility and the appropriate law enforcement authorities have been notified, the scene or premises should be secured to safeguard any evidence or until an internal investigation can be completed.

The Incident Report should be completed as soon as possible after any of the above steps have been taken in the aftermath of an actual incident or as soon as any verbal threat or display of aggressive behavior is reported by a staff member. Management needs to emphasize to victimized employees that they can expect confidentiality in reporting these threats or aggressive behaviors and that no retaliation will befall them from others in the workplace for making these reports.

Workplace Violence Incident Reports must be maintained for use in program reviews and updates. Annual review with the participation of authorized employee representatives or other body of the incident reports is needed to identify patterns, trends and evaluate the effectiveness of controls and procedures currently in place.

Post incident reporting should include measures to counsel or provide help with affected employees who have feelings of fear, guilt, feelings of incompetence or fear of criticism from supervisors and others, etc. Post-incident debriefings and counseling can reduce psychological trauma and stress among victims and witnesses. An emerging trend is to use Critical Incident Stress Management to provide a range or continuum of care – tailored to the individual victim or your organizations needs – **whether in the public or private sector.**

Employee Information and Training

Employee training is required once the WVPP is completed and annually thereafter. Retraining is required any time there is a significant change to the program, a risk factor or work control. Training topics should include the following:

Requirements of the workplace violence act/regulation

Details of the risk factors identified in the risk assessment and the organization procedures for conducting the risk assessment; and the safeguards in place or to be implemented based on these findings.

How to obtain a copy of the WVPP and its location.

Measures employees can take to protect themselves, report threats, and incidents, and suggest improvements to the program.

Description and details of the employer's written WVPP

How to obtain post incident crisis counseling

Training on how to deal with potentially violent clients, patients, members of the public, co-workers, inmates, etc., should be provided. This training should be conducted in a group setting in a presentation type format and dept specific as needed. Video or computer based training alone is not considered sufficient for delivering this type of training.

How to initiate an emergency alerting system for imminent danger (See definition later in these proceedings) situations or when staff needs emergency assistance.

Alerting systems are commonly found in high-risk settings such as prisons, correctional facilities, emergency rooms, mental health hospitals; i.e. personal alarm devices, panic buttons, codes, drop phones or radios. Assigning and training appropriate personnel to respond is a key component.

Other Training Components:

Techniques for recognizing potential risks, dangerous persons, etc

Proper use of security hardware and safeguards/Cash Handling

Incident Response Emergency Measures/Medical Assistance

Incident Reporting Procedures/Confidentiality/No Retaliation

Implementation of Hazard Control/Prevention Measures

The employer is responsible for analyzing the risk evaluation data to determine appropriate control measures that will prevent or reduce workplace violence. It is advisable to involve the committee or task force that assisted in the development of the risk assessment findings when creating the policy statement and in the review process when determining the implementation of control measures.

It is a good idea to implement feasible control measures as soon as they have been identified. Some of these may require research, budgetary or short term and long term planning; i.e. capital projects.

The DOL has listed three (3) main categories of control measures or the “hierarchy of control measures” These include but are not limited to the following:

Engineering Controls – Eliminate or reduce hazards identified using substitution or design:

Minimize cash on hand and/or use drop safes

Secure building access design; secured perimeter exterior doors, etc.

Security hardware to include controlled lobby access to offices; keypad or intercom access to offices, security locks on office doors, video surveillance at monitoring points of access

Eliminating isolated work areas or designing escape routes from confined areas

Increased or improved exterior and/or interior lighting

Installation of counters and Plexiglas or shatter resistant window partitions in offices dealing with members of the public, clients, customers, patients, etc.

Administrative or Work Practice Controls – Eliminate or reduce hazards identified by changing or modifying organizational policies and procedures:

Avoid having any staff work alone

Install personal alarms or panic buttons for key offices or work areas

Increased staffing especially at high risk locations/times

New staff hiring/screening procedures; i.e. drug tests, MVR checks, criminal background

Contracting security staff or guards

Development of building access controls; i.e. visitor sign-in, badges

Timely and courteous handling and treatment of clients, members of the public, customers, etc.

Internal communications between departments or shifts sharing information relative to agitated clients, members of the public, customers, patients, etc.

Providing information on any known criminal history and violence information on clients, members of the public, customers, vendors, etc.

Employee training and awareness in Conflict Resolution Techniques, defusing potentially confrontational situations, identifying potentially violent clients, members of the public, etc.

Provision of cell phones, radios to field workers on job sites, home health care or social services visits, etc.

Deviations of daily work routines for staff carrying cash or valuables or conducting field work
Support for staff feeling threatened. **Note:** Under the DOL ruling any staff member who notifies their reporting authority of any threat or incident to themselves require action by the organization at that time to take any reasonable and immediate measures to protect the staff on the job or work site.

Based on the risk evaluation findings any organization – public or private sector – might consider other examples of measures listed above to include:

Engineering Controls:

Safe room for judges or municipal justices

Use of public screening measures; i.e. magnetometers, hand held wands

Remote entrances or access for detainees separate from public entrances to courts

Enclosed police dept dispatch/reception rooms with reinforced masonry walls and bullet proof glass

Administrative or Work Practice Controls:

Use of court officers during court proceedings

Restraints to remain on any combative detainees in court

Union grievance procedures made less adversarial

Use of EAP or counseling to staff with issues or problems

Signage in facilities stating clearly to all visitors, clients, members of the public that violence of any type will not be tolerated

Establish liaison with police and prosecutors to handle reported instances where escalating violence has occurred.

Establish trained emergency response teams in the organization to respond any incident or incident that is developing

Require all staff to report any threats or acts of aggressive behavior

Adopt safety procedures for off site work

Secured doors policy

Procedures to use barriers & enclosures

Minimal cash on hand

Personal Protective Equipment (PPE):

Hard Hats, Protective vests, gloves (For the most part these types of measures are not relevant to workplace violence prevention. Some examples here are confined to police officers wearing vests; field workers with hard hats, etc.

The employer has a responsibility to address all risk factors that are identified that are exposures to staff. When considering the most feasible control measures, an effort should be made to eliminate or avoid the hazard initially.

When this is not feasible, try to change the job or function administratively. Training is critical to the process but cannot be relied upon as the only measure.

Post-Incident Response

This response and evaluation are important parts of an effective WVPP. This involves developing an SOP for management and employees to follow in the aftermath of an actual violent incident. These may include the following:

Assure that injured employees receive prompt and appropriate medical care; including transportation of the injured to medical care. Prompt first aid and emergency medical treatment can minimize the harmful consequences of a violent incident.

Report the incident to the appropriate authorities as required by applicable laws and regulations in your jurisdictions.

Inform the management of the incident in writing.

Secure the premises to safeguard evidence and reduce distractions during the post incident response process.

Prepare an incident report immediately after the incident with details that might be forgotten over time (See sample incident report in Appendix 2).

Address the need for appropriate treatment for victimized employees as they may have suffered psychological and emotional trauma, fear of returning to work, feelings of helplessness or incompetence, criticism by management, etc.

Post-incident debriefings and counseling are effective in reducing psychological trauma and stress experienced by victims and witnesses. An emerging trend is to use Critical Incident Stress Management to provide a range of continuum of care tailored to the individual victim or organizations needs.

After the occurrence of a workplace violence incident or annually; the employer with the participation of Authorized deployed Representative or designated staff will conduct a review of the workplace violence prevention plans.

Discrimination/Retaliation

Employees will not be discriminated against or receive any retaliation for bringing forth a safety and health concern, for filing a complaint or for participating in or causing any proceeding or inspection relating to the program.

If the employer is unable to correct the employee concern or hazard (after a reasonable opportunity) and employee still feels an imminent danger or dangerous situation still exists, A PESH complaint may be initiated without fear of discrimination.

Imminent Danger

Under the Act, employee concerns must be addressed in writing to their supervisor or reporting authority and a reasonable opportunity given to the employer to address such concerns.

However, with respect to imminent danger or hazard conditions, it should be noted that the NYS regulation definition is as follows: if any conditions or practices relating to a workplace violence incident exists or become evident that could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by this Part.

Essentially, the state is saying that the above reporting procedures including a written report are exempt if employee believes in good faith that it would not result in remedial action.

Indeed, from a risk management perspective, if such a situation were to develop then the normal progression of the provisions of this act in management reporting and action would understandably be obviated using either emergency measures or procedures are at the disposal of the employer at a given time to prevent or minimize the impact of the imminent danger and as expected under the OSHA General Duty Clause.

Summary of Implementation Steps of 12 NYCRR Part 800.6

Once the final ruling is promulgated after this comment period, the following progression of implementation effective dates is currently proposed by the NYS DOL of the part:

Employer's Policy Statement required by section (e) of this Part shall be completed within 30 days after the effective date

Workplace risk evaluation and determination required by section (f) of this Part shall be completed within 60 days of the effective date of this Part

The workplace violence prevention program required by section (g) of this Part shall be completed within 75 days of the effective date of this Part

Employers shall be in compliance with the entire Part within 120 days of the effective date of this Part.

Case Study

Schuyler County Child Support Agency Watkins Glen, NY – October 15, 1992

Facts of the Case:

John T. Miller charged with back child support payments in excess of \$6,700 for a child he claimed he had not parented. The county family service agency began to withhold portions of the amount due from his paycheck. He retaliated against the agency by walking into the back door of the office and using a handgun killed 4 of the 5 staff members on duty. Miller had visited the office just the day before the shooting but displayed no overt hostility. The agency staff had often approached management with their concerns about potentially violent clients; however, management had taken no action to protect the employees.

Observations

This incident is significant for a number of points:

1. The public administration classification used by NIOSH has the second highest per capita rate of all industry classifications for workplace second only to the retail trades.
2. Government services are traditionally viewed with disdain by many Americans who view them as staffed with individuals who are unconcerned and who lack motivation. True or not, this is a view so common to the American citizenry as to require no further supporting evidence. Perhaps this perceived historically inferior approach to the welfare of clients lies at the heart of much frustration with such agencies.
3. Many government agencies are in the uncomfortable business of enforcing the laws, codes and regulations with large numbers of unfamiliar clients. Certainly a client on the “other side” of the law presents the potential for violent retaliation – a fact that such agencies should take seriously in terms of violence prevention and intervention.

Implications for Prevention:

This case points out an apparent lack of concern by the management of the agency for the basic security of their employees.

Here was what was disclosed about the work environment at this agency after the murders occurred: “The child support staff had asked for greater security for their unit, but never got it. Beverly Clickner, who had an office next to the child support unit, said “we’re threatened all of the time and sometimes we are not taken very seriously. Upham (a fifth social worker who survived the attack by Miller) reported there was no way to lock their office door from (the) inside, no escape routes, and visitors could gain entrance by way of the back door as Miller did”

Evidently, this organization was not prepared for the possibility of violence in the workplace.

If employee's comments are to be taken at face value, agency management was not sufficiently responsive to staff concerns about potential violence.

In this case it seems that the staff made more than one attempt to bring the issue of potential workplace violence to the attention of management. It would seem reasonable to expect management to take some action to investigate the extent of the problem and mitigate the possible consequences.

Apparently, this was an organization that experienced many warning signs of potential violence yet failed to take minimum precautions such as prohibiting entrance through the back door. It can be assumed that the communication lines between management and staff were weak at best. When such concerns are presented by staff, it is incumbent upon management to take them seriously and provide, if appropriate, remedial or corrective action.

Questions also arise about client services and their implementation. Were employees trained to deal with angry or potentially violent clients? Was the staff familiar with conflict resolution techniques? Had the staff been trained to recognize warning signs of potential violence?

Although office environments have traditionally been viewed as safe, this is clearly not the case. Many office environments, such as those in this incident, are among the most potentially dangerous in terms of possible workplace violence.

Managers must make efforts to prepare staff for threats to the safety of the workplace. Employees are a primary source of information about the workplace environment. Management must keep communication lines open and act upon important employee recommendations. Primary among the measures to be undertaken is the establishment of a working environment that allows employees to express their concerns to a management team willing to accept their appropriate suggestions.

Speaker Conclusions

As safety professionals we have an ethical responsibility to promote measures to preserve life first and minimize injury first and foremost. This includes using all appropriate means to convince and make compelling presentations to public administration boards and private sector management to adopt measures designed for this purpose not only as a moral obligation but under the aegis of the Safe Workplace Act which states that employers have a duty to provide a safe workplace by correcting recognized hazards. This is true of a number of areas and also includes hazards to the security of workers from violence.

This must be an integral part of any effective safety program for any organization, no matter how well developed it is currently.

While NYS has adopted a sweeping measure that will compel all public sector employers to adopt workplace violence programs and a number of other states have adopted partial ones, we strongly urge any employer, private and public, not to wait for state legislation to address this particular hazard, especially if there is a recognized need already identified.

It is strongly recommended that a proactive stance be adopted with respect to implementing a WVP and do so with OSHA General Duty Clause as your organization's mandate, if necessary.

The case study above was specifically chosen as it depicted a public sector environment in a seemingly innocuous office setting in a semi-rural area of the state where 4 people paid the ultimate sacrifice due to management apathy or inattention at best and failing to take even the most basic, least costly measures, despite repeated concerns and warnings by staff to do something.

While it is true that since the advent of workplace violence prevention programs in 1994 in some states there has been a recognized reduction in workplace violence assaults and homicides as indicated in the proceedings, there remains a continuing need to implement proactive measures as the reporting of threats and aggressive behavior occurrences to identify patterns and escalation is critical to the prevention process and success in reducing assaults and homicides even further.

Our continuing mission as safety professionals is to educate employers in all work settings with their responsibility and duty to establish open communication lines with their employees with respect to addressing hazards and concerns relative to potential violence brought to their attention by employees and take appropriate remedial action or measures.

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