

Safe & Sound: Preventing Workplace Violence

February 2024

AGENDA

1. Welcome and Intro
2. Understanding Workplace Violence
3. Discuss SB-533, SB-428, and Roadmap Requirements
4. Review Key Implementation Dates
5. Tips on How to Comply
6. Developing a SB-533 Strategy
7. Next Steps

Workplace Violence, Background

Nearly 2 million workers in the US are victims of workplace violence*.



2021 Valley Transportation Authority*

San Jose, CA workplace shooting involving nine employees. This is the driving force between California's Workplace Violence bills in 2024.



CDC: 20,050 workers experienced non-fatal trauma in 2020*

- 73% female
- 62% aged 25 to 54
- 76% in healthcare and social assistance industries



CDC: 392 US workers were victims of workplace homicide in 2020.

- 81% were men
- 44% were aged 25 to 44
- 30% of workplace violence victims were in retail



Bullying affects up to 37% of workers (Canada Safety Council)

- 57% of targets are women
- 72% of bullies are in positions of authority
- Most common victims are women in their 40s.
- canadasafetycouncil.org/working-bully/



Know the Rules

- 81% were men
- 44% were aged 25 to 44
- 30% of workplace violence victims were in retail

Workplace Violence, the Effects

Absenteeism

A 10-year study found that employees exposed to workplace violence are nearly twice as likely to have health-related absences in the years following the incident

Employee Turnover

Attrition spikes by as much as 10 percent immediately following a violent incident

Loss of Productivity

As much as \$727 million worth of productivity is lost from workplace violence

Money Lost in Litigation

Workplace violence can cost up to \$3.1 million per person per incident

Medical Expenses

Even employees who aren't physically harmed in an incident frequently experience psychological trauma that results in more money spent on healthcare services, both for employees and employers

Recovery Costs

Total financial impacts include the direct costs associated with any post-event civil litigation, replacing employees who leave and potential fines from OSHA and other regulatory bodies as well as indirect costs associated with damage



Identifying your Exposures

Criminal Acts of Violence

- Threats of Violence
- Physical Attacks
- Sexual Assault/ rape
- Robbery (not burglary)
- Carjacking, high value items
- Abduction/ kidnapping
- Murder/ manslaughter

Identifying Who is at Risk

Communicate with workers who are at an increased risk of workplace incidents. Encourage participation to identify all employees, conditions and behaviors that may lead to violence.

Individuals that exchange money with the public

Workers that deliver passengers (rideshare), goods, or services.

Education industry workers

Healthcare and social services industry workers, the most common industry to be impacted by customer/client workplace violence

Community workers that regularly interact with the public, including utility workers, phone and cable TV installers, and retail workers

Workers that operate alone or in small groups

Individuals that work late-night hours or early morning hours

Workers located in higher-crime areas

Women are most prone to personal relationship workplace violence

Next, work with employees to review the risk/hazards and identify controls.

“**Harassment**” is a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress and must *actually cause* substantial emotional distress.

What is SB-428?

- A California Senate bill related to the Labor Code and Occupational Safety
- Harassment Temporary Restraining Orders – (TRO) (WPV)
- Measure signed into law by California Governor Gavin Newsom on September 30, 2023
- Goes into effect Jan 1st, 2025
- Enforcement by Cal OSHA*

Limitations of SB-428

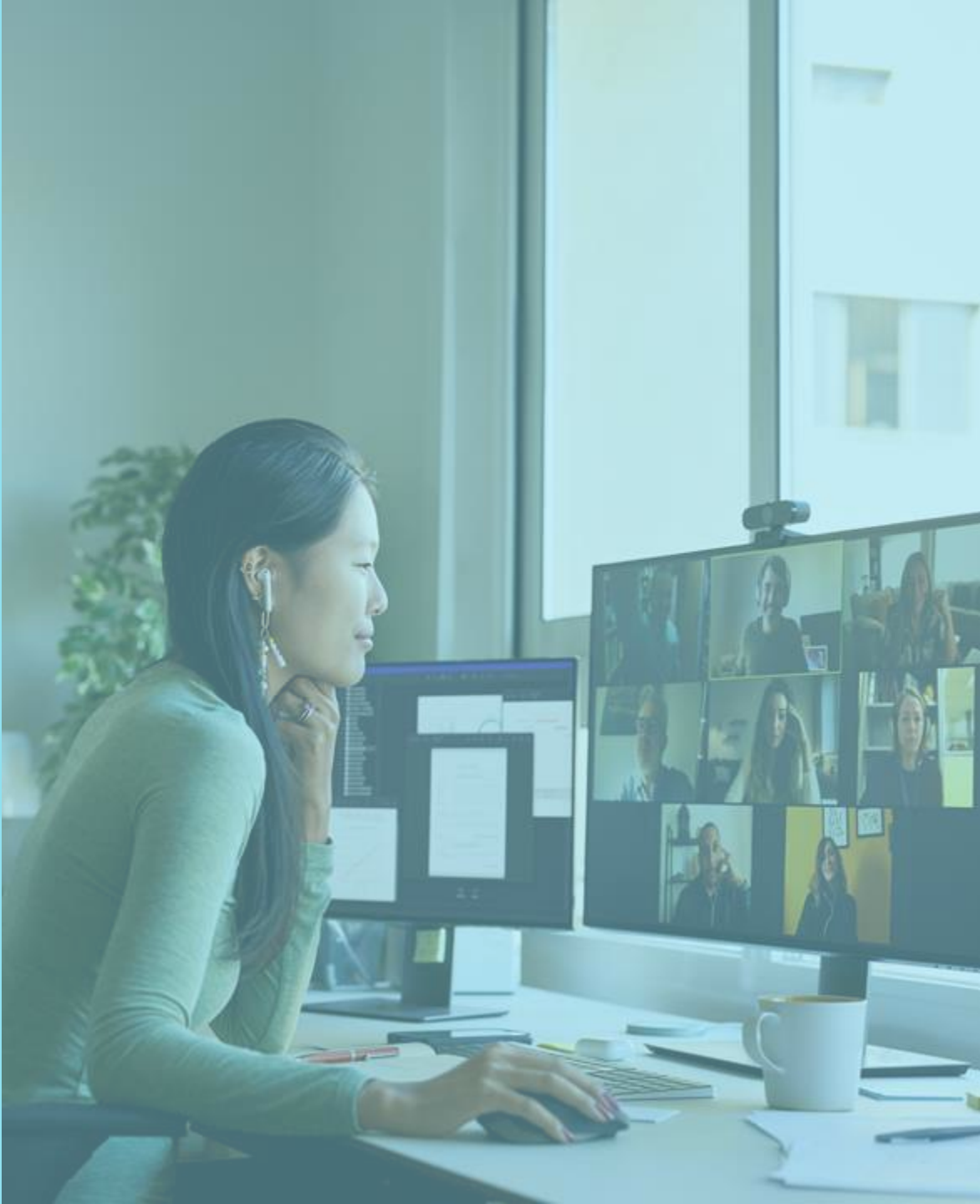
- Under the new law, the court cannot issue a temporary restraining order (TRO) for any actions that are protected by the Constitution, the National Labor Relations Act, or any other provisions of law
- Only employers and collective bargaining representatives may ask for a workplace violence restraining order



What is SB-553?

A California Senate bill related to the Labor Code and Occupational Safety, specifically Workplace Violence Prevention (WPV)

- Measure introduced by California Senator David Cortez, (Northern CA,) following the 2021 Valley Transportation Authority mass shooting in San Jose, CA
- Goes into effect July 1st, 2024
- Enforcement by Cal OSHA*



Exempted Workplaces under Labor Code Sec. 6401.9-

- Facilities covered by and that comply with Cal/ OSHA existing violence prevention regulations (such as healthcare).
- Facilities operated by the California Department of Corrections and Rehabilitation.
- Law enforcement agencies.
- Workplace not open to the public, with < than 10 employees present at once
- Teleworking employees (remote workers)

“Workplace violence” means any act of violence or threat of violence that occurs in a place of employment. That includes, but is not limited to...

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 whether the employee sustains an injury)

Incident involving a threat or use of firearm or other dangerous weapon, including use of common objects as weapons, (regardless whether the employee sustains an injury)

SB-553 Requirements

1. Develop a Workplace Violence Prevention Plan with Employee Involvement
2. Make the Plan Accessible to Employees
3. Assign Plan Responsibilities
4. Provide training and develop communication
5. Develop assessments and protocols for response, including alerts, notifications, evacuations or shelter in place and how to get assistance
6. Maintain a Violent Incident Log. All incidents
7. Maintain a log of Post Incident Investigations
8. Employees need to know how to get help from law enforcement or designated company personnel.
9. Allow an employee representative to petition a temporary WPV restraining order
10. Incorporate as part of Company Injury and Illness Prevention Program
11. Reassess, Review and Retrain your Plan Annually

July 01, 2024

Elements of Written Plan

SB-553- Workplace Violence

Names or job titles of persons responsible for implementing and maintaining your plan

Effective procedures to obtain active involvement of employees and organizations labor/ unions

Methods Employer will use to coordinate implementation of your plan with other employees

Effective procedures to accept and respond to reports of WPV and to prohibit retaliation against employees who make reports.

Procedures to ensure supervisory and nonsupervisory employees comply with plan.

Procedures to communicate with employees regarding workplace violence matters



Having a Workplace Violence Prevention (WPV) Program is critical for the safe operation of a business in the United States. You can look at the newspaper articles on workplace assaults if you need justification. Implementing preventive measures not only protects employees but also ensures a positive work environment. Here are five reasons to implement a formal WPV Prevention Program:

1. **Workplace Violence is a real threat** - According to the Bureau of Labor Statistics, 20,050 workers in the private industry experienced trauma from nonfatal workplace violence in 2020. These incidents required days away from work. Of those victims who experienced trauma from workplace violence: 73% were female.
2. **Workplace Violence is Expensive** - OSHA estimates that more than \$120 billion is lost directly and indirectly due to workplace violence. The National Safety Council puts the costs even higher. Their estimate is \$171 billion annually. The cost of the injuries is only part of the cost.
3. **Employee Well-being and Retention**: Maintaining a safe and secure work environment is crucial for employee well-being and retention. The trauma resulting from workplace violence incidents can have long-lasting psychological effects on employees. Studies have shown a direct correlation between workplace violence and increased employee turnover rates, leading to higher recruitment and training costs for businesses.
4. **Legal and Regulatory Compliance**: California just passed a Workplace Violence law that requires a formal written program. In addition, Federal OSHA requires an employer to provide a safe work environment under their general duty clause. It is becoming the expectation for companies to have formal WPV Prevention Programs.
5. **Creating a Positive Organizational Culture**: Incorporating a WPV prevention program fosters a positive organizational culture that prioritizes the well-being and safety of all employees. Such programs send a clear message to employees that their safety is valued, establishing trust and confidence in the organization.

Setting expectations and enforcing them are key to creating a workplace without violence or fear. The following program template is based on California's new Workplace Violence Prevention legislation. You should modify it to work for your organization.

Use of Wizard

This document provides a guide to help build an organization-specific program with standard practices and procedures that most employers must implement. The Wizard is not all-inclusive. Be certain to evaluate other standards, related regulations, and your commitment to workplace safety. Obtain input from your workforce when developing this program. A plan is only as good as the commitment behind it.

Instructions - To develop your customized plan, follow steps 1 through 3 in order, by clicking the buttons and following the instructions prompted by the program.

STEP 1

Customize

STEP 2

Review and Approve

STEP 3

Print

SB-553 Workplace Violence Program Plan Guide

Remember the Program's Foundations

1. Who is in charge of the program's elements?
2. How are you identifying risk potential and engaging the employee base in this process?
3. Who evaluates events and maintains privacy?
4. How is your company tracking incidents?
5. What is the schedule for regular evaluation and changes when appropriate?
6. How and when are you communicating concerns to employees?
7. How and when are you training employees on these elements?

WORKPLACE VIOLENCE INCIDENT REPORT

To be completed by the individual investigating the incident. Return completed form within 2 days following incident to [Human Resources](#). **Attach witness statements to this form.**

Report submitted by:	Date:
General Description:	Telephone:

Date of Incident:	Time:
Address/Location of Incident:	

Individuals involved in the incident (use additional sheet(s) if necessary)

Name:	Name:
☐ Victim or ☐ Assailant	☐ Victim or ☐ Assailant
Title:	Title:
Division:	Division:
Phone:	Phone:
Immediate Supervisor:	Immediate Supervisor:

Assailant Relationship to Employee

☐ Co-worker	☐ Former Employee
☐ Other (specify)	

Possible Reason for Incident: (If known, check all that apply)

☐ Conflict with co-worker(s)/former co-worker	☐ Receiving corrective action
☐ Conflict with management	☐ Other (specify)

SB-553 Workplace Violence Incident Report

- Ensure adequate information is gathered to make an informed decision while maintaining privacy for parties involved.
- Who is gathering data
- When did the incident occur (date and time)
- Where did it occur
- What was the nature of the alleged threat
 - Was it physical in nature, social media related
- How is it related to the business
- Are operations impacted
- Upon review:
 - What are the suggested corrective actions
 - Was a TRO obtained

SB-553 Workplace Violence Incident Log

[illegible]

Workplace Violence Inspection Checklist

Employer: _____ Date / Time: _____

Work Location: _____ Inspector: _____

1a. What is the work area? _____

1b. What best describes the work area?

- | | | |
|---|---|--|
| ☐ Hospital | ☐ Office Building | ☐ Correctional Facility |
| ☐ Warehouse | ☐ Park / Campground | ☐ Urban Road / Highway |
| ☐ Kitchen | ☐ Rural Road / Highway | ☐ Garage / Maintenance |
| ☐ Public Residence or Business | | ☐ Other: _____ |

Describe: _____

2. Is the work area a highly visible area? Yes ☐ No ☐

Describe: _____

3. Is there uncontrolled public access to the work area? Yes ☐ No ☐

Describe: _____

4. Are there limited access points to the work area? Yes ☐ No ☐

Describe: _____

5. Are entrances and exits adequately lit? Yes ☐ No ☐

Describe: _____

6. Are entrances and exits under observation? Yes ☐ No ☐

Describe: _____

7. Are parking lots and walkways adequately lit? Yes ☐ No ☐

Describe: _____

8. Are there any potential hazards around or near entrances, exits, parking lot, or walkways? Yes ☐ No ☐

Describe: _____

(Attach additional pages if necessary)

Work Practices

1. What activities or tasks are completed in the work area?

- | | | | |
|----------------------------|--------------------------|--|--------------------------|
| Direct Patient Care | ☐ | Administrative (no public interaction) | ☐ |
| Customer / Client Services | ☐ | Equipment Repair / Maintenance | ☐ |
| Call Center | ☐ | Corrections / Rehabilitation | ☐ |
| Meal Preparation | ☐ | Mowing / Grounds Keeping | ☐ |
| Reception Area | ☐ | Care / Inspection of Public Property | ☐ |
| Cleaning / Housekeeping | ☐ | Assess/ Inspection of Private Property | ☐ |

Describe: _____

2. Do employees work alone or in small numbers? Yes ☐ No ☐

Describe: _____

3. Are dangerous workplace items present? Yes ☐ No ☐
(ex. weapons, drugs/medications, alcohol, money, hazardous chemicals)

List: _____

4. Are there adequate and clearly identified escape routes? Yes ☐ No ☐

Describe: _____

5. Can employees call for help quickly and easily? Yes ☐ No ☐

Describe: _____

6. Is the work area monitored or observed? Yes ☐ No ☐

Describe: _____

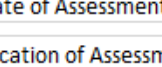
7. Are work practices or standard operating procedures up to date? Yes ☐ No ☐

Describe: _____

8. Are current work practices sensible and safe for employees? Yes ☐ No ☐

Describe: _____

(Attach additional pages if necessary)



Initial Workplace Violence Risk Assessment

Company Name										
Date of Assessment			☐ Corporate Assessment		☐ Location Assessment					
Location of Assessment										
Assessor Name and Title										

Hazard	Detailed Hazard Description	Exposed Employees	#	Max #	General Controls	Detailed Specific Controls
			Exposed	Exposed		



Company Name

Date of Assessment

☐ Corporate Assessment☐ Location Assessment

Location of Assessment

Assessor Name and Title

Hazard

Detailed Hazard Description

Exposed Employees

#	Max #
Exposed	Exposed

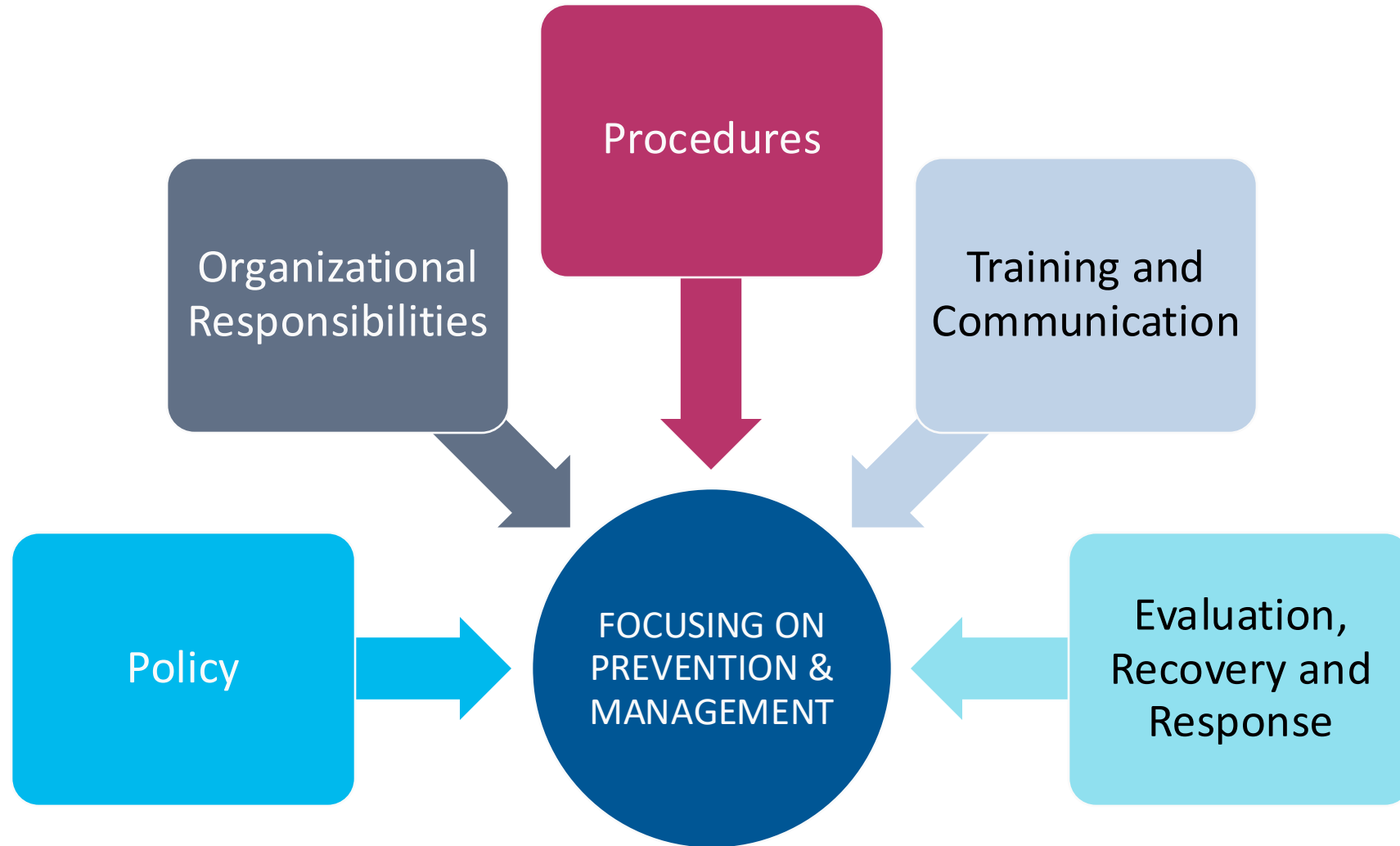
General Controls

Detailed Specific Controls

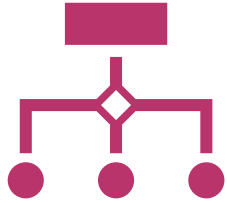
SB-553 : How to Enhance Compliance

- Review your current WPV policies and procedures to assess potential compliance and identify new compliance gaps
- Revise what you currently have. If no policies or procedures exist, follow the BHHC Program Guide / create a new a workplace violence program
- Plan for training all employees and managers, supervisors and leadership. It is recommended that training is conducted separately
- Develop a Workplace Violence Prevention Plan incorporating all requirements outlined herein outlined in the BHHC guide
- BHHC recommends acquiring professional assistance if you lack or do not have proper internal resources

SB-553 : WPV Program Basics



SB-553 : WPV Program Considerations



Make it a Dynamic Plan



Training & Coordination is Key



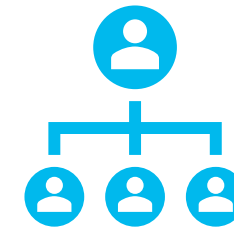
Engaging Employees in Program Development and Hazard Identification is Critical



BehavioralHealth Support



Uphold policies and procedures



Senior Leadership, Team, and Labor Organizational Support



FAQs

("Things we've heard since the Rollout")

- Q: I have nine (or two) employees. Do I have to have a program?
 - My company is in <insert industry here>. Do I need a program?
- Q: I already have an IIPP. Do I have to have a WPVPP?
- Q: Are animal attacks considered workplace violence?
 - Are "perceived" threats while working in the community covered?

FAQs Continued

- Q: Do employers have to implement a workplace violence reporting system for employees to be able to report potential or actual violent incidents anonymously?
- Q: Does each work location need a dedicated plan, or can an organization use a corporate plan for all sites?
- Q: Does this mean I must do Active Shooter Training?



FAQs Continued

- Q: Does my insurance carrier play a role in this process, like reporting requirements?
- Q: Do social media threats count as alleged workplace violence?
- Q: I've heard conflicting definitions of training and communication requirements. What training do I need to do and what is communication?
 - What if my company is in Minnesota but I have some employees in California?
- Q: What happens if I do nothing? No program developed, no response protocols in place, no incident review,



START TODAY



DEADLINES COMING UP
(REITERATE DEADLINE DATES)



RESOURCES FOR ADDITIONAL
SUPPORT IF NEEDED

losscontrol@bhhc.com

SUMMARY

1. Welcome and Intro
2. Understanding Workplace Violence
3. Discuss SB-533, SB-428, and Roadmap Requirements
4. Review Key Implementation Dates
5. Tips on How to Comply
6. Developing a SB-533 Strategy
7. Next Steps