

## SECTION P

### WORKPLACE VIOLENCE PREVENTION

#### A. GUIDELINES FOR PREVENTING VIOLENCE IN THE WORKPLACE

**NOTE: Before establishing a workplace violence prevention program be sure to consult with your Human Resource department and legal counsel, if necessary.**

- 1.0 Not only are school districts interested in preventing violence in the workplace to protect themselves, employees and others from harm, the law imposes a legal duty on all California employers, public and private, to provide a safe workplace. As a result, employers are legally obligated, in certain circumstances, to take action to prevent violent incidents from occurring on the job. In addition to an employer's legal obligations, management also has certain rights it may choose to exercise in its pursuit of providing a safe workplace. These rights, however, are limited in certain circumstances by federal and state laws, including, but not limited to, the Americans with Disabilities Act and individuals' constitutionally protected right to privacy.
- 2.0 The following is a summary of management's rights and legal obligations relating to the prevention of violence in the workplace and the provision of a safe work environment.
  - 2.1 CAL/OSHA requires employers to implement and maintain a workplace security plan focused on preventing workplace violence.
  - 2.2 Employers must not ignore threats of violence made by or towards its employees.
  - 2.3 An employer may adopt a "Zero Tolerance Policy" prohibiting threats and weapons in the workplace.
  - 2.4 An employer may establish a drug testing policy for employees.
  - 2.5 An employer may seek to obtain a temporary restraining order against an employee for unlawful violence or credible threats of violence.

#### **DUTY TO PROVIDE A SAFE WORK ENVIRONMENT - CAL/OSHA REQUIREMENTS**

- 1.0 The California Occupational Safety and Health Act (CAL/OSHA) generally requires employers to provide its employees with safe and healthful working conditions. In 1994, the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), adopted guidelines for workplace security specifically addressing the problem of violence in the workplace. These guidelines provide information and guidance about workplace security issues. The guidelines also require employers to

implement and maintain, as part of their Injury and Illness Prevention Program, a workplace security plan focused on preventing workplace violence. Therefore, school districts, as employers, are bound by the CAL/OSHA requirements and have an additional duty to provide a safe working environment for its employees.

- 2.0 While the Guidelines are not enforceable per se, CAL/OSHA is currently enforcing them by way of 3203 of the California Code of Regulations, Title 8. Pursuant to the Guidelines, violence is now a recognized hazard in the workplace that must be addressed in every employers' existing Injury and Illness Prevention Plan (IIPP). Whether or not a violation of 3203 will be found, however, depends on the circumstances of a particular workplace. CAL/OSHA analyzes each situation on a case-by-case basis, considering the particular hazards present in the workplace and what, if any, measures have been taken in response thereto. Therefore, in order to reduce the risk of being cited for violating 3203, an employer should adopt a workplace security element in their current IIPP addressing the hazard of workplace violence.

### C. "TYPES" OF WORKPLACE VIOLENCE

- 1.0 There are 3 classifications of workplace violent events:
  - 1.1 **Type I Events** are the most common type of fatal workplace event and include an act of violence committed by persons having no legitimate relationship to the workplace. Such a person usually enters the workplace to commit a robbery or some other criminal act.
  - 1.2 **Type II Events** include acts of violence committed by a client, customer or other recipient of a service provided by the affected workplace or the victim. This type mainly applies to service providers, such as health care providers, but also includes assaults on public safety personnel and other public service sector employees.
  - 1.3 **Type III Events** account for a small portion of all fatal workplace injuries but attract the most significant media attention. This type of violence usually involves an assault on an employee, supervisor or manager by a current or former employee, supervisor or manager, or by a person known to a current employee, supervisor or manager, such as a spouse, lover, relative, or friend. These acts of violence may involve an individual seeking revenge for what he or she perceives as unfair treatment by a co-employee, supervisor or manager, or a domestic or romantic dispute in which an employee is threatened in his/her workplace by an individual with whom he/she has a relationship outside of work.

### D. SANTA BARBARA COUNTY SCHOOLS WORKPLACE SECURITY PLAN

- 1.0 Our guidelines for Workplace Security require school districts to implement and maintain, as part of the school districts IIPP, a workplace security plan focused on preventing workplace violence.
- 2.0 Preventive Measures for a Workplace Security Plan

- 2.1 Demonstrate a strong management commitment to prevent workplace violence.
- 2.2 Establish a clear anti-violence management policy. See sample “Workplace Violence Policy” attached as Appendix A.
- 2.3 Develop a system for communicating information about workplace security hazards, including means by which employees can inform employer of hazards without fear of reprisal. SIPE Form 2-588 can be used for this purpose.
- 2.4 Implement a procedure for investigating injuries arising from a workplace assault or threat of assault. The school district’s workers compensation injury investigation process will be used to investigate all workplace assaults or threats.
- 2.5 Train and educate all employees, supervisors and managers regarding risk factors, crime awareness, assault and rape prevention, how to diffuse hostile situations, and what steps to take during an emergency situation. Workplace violence inservices are available to employees and should be coordinated through the SIPE safety office. Other crime awareness information should be coordinated with your districts law enforcement or campus police.
- 2.6 Implement appropriate work practice and physical security measures, such as:
  - 2.6.1 Control of physical access to the workplace;
  - 2.6.2 Implementation of a “buddy” system to prevent placing employees alone in a high risk area;
  - 2.6.3 Installation of alarm systems and/or “panic” buttons;
  - 2.6.4 Provide two-way communication system so employees can make contact with other staff members, especially the evening shift employees.
  - 2.6.5 Employment of security personnel.
- 2.7 Provide for on-site inspections and security hazard inspections.
- 2.8 Utilize post-event procedures such as providing emergency medical care, debriefing employees about the incident, and providing post-event trauma counseling.

## **E. RECORD AND REPORTING WORKPLACE VIOLENCE**

- 1.0 School districts are required to record all work-related fatalities and other recordable injuries on CAL/OSHA Form 300. Information relating to a fatality or injury must be entered on Form 300, no later than six (6) working days after receiving information that a recordable incident has occurred. These records shall be retained for five (5) years following the end of the year to which they relate.

- 2.0 School districts are also required to report injuries arising out of or in the course of employment to Workers' Compensation Administrators. The report must be made on the Division of Labor Statistics Form 5020, "Employer's Report of Occupational Injury or Illness," and must be filed within five (5) days after the employer obtains knowledge of the injury. Districts can contact our workers compensation claim administrator at (805) 922-9157 or the safety office at (805) 922-8003 for questions concerning employee's injury reporting.
- 3.0 In addition, employers are required to report immediately, by telephone, all "serious illness or injury, or death" to CAL/OSHA. However, "serious illness or injury" excludes injuries, illnesses or death caused by the commission of a Penal Code violation. Thus, even though a workplace assault which results in an employee's death, injury or illness, is recordable on the CAL/OSHA 300 Log, it may not be reportable to Cal/OSHA if "it is caused by the commission of a Penal Code violation." Our local area CAL/OSHA office is located in Ventura California at (805) 654-4581. Use CAL/OSHA Form 4-A when making a telephone call. See Attachment 11.
- 4.0 However, many employers report deaths and injuries that are not determined to have been caused by the commission of a Penal Code violation until after such report is made. CAL/OSHA "actively encourages employers to report all deaths, serious injuries or illnesses which result from a workplace assault or other type of violent act." To avoid a potential violation of these reporting requirements, if there is any doubt as to whether the cause of an injury, death or illness constitutes a Penal Code violation, school management staff should report the event to CAL/OSHA, or the SIPE safety officer. **For Allan Hancock College, all reports should be forwarded to campus police.**

## **F. WORKPLACE SECURITY EVALUATION**

- 1.0 CAL/OSHA will investigate any and all complaints alleging a workplace security hazard in the same manner as any other complaint. When evaluating a complaint alleging a workplace security hazard, CAL/OSHA compliance personnel shall determine, at a minimum, the following:
  - Does the workplace have an IIPP which addresses workplace security hazards?
  - How effective is the employer's IIPP in identifying and correcting workplace security hazards and in investigating workplace assaults?
  - Is effective workplace violence prevention training provided to employees?
  - What are the physical characteristics and the work practices of the establishment that impact the security of the employees who work in the establishment?
  - Have assaults occurred in the establishment in the past? If so, how often and what was their severity? What measures were taken to investigate the cause(s) of the assault(s) and what corrective measures were taken by the employer to prevent other assaults?
  - Is the inspected establishment one which is considered to be at high risk of a Type I workplace violence event?

**G. EMERGENCY PHONE NUMBERS:**

District Superintendent:

District Safety Coordinator:

Campus Police:

SIPE Safety Office: (805) 922-8003

SISC Safety Office: (805) 349-0206

Police or Fire - 911

**H.** School districts who have an established workplace violence and security plan can use this section as a guide or addendum to their plan.

## APPENDIX A

### WORKPLACE VIOLENCE POLICY (Sample)

The Santa Barbara County Schools Self Insured Program for Employee's (SIPE) is committed to providing a safe work environment that is free of violence and the threat of violence. The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

- A. Violence, or the threat of violence, against or by any school employee or any other person is unacceptable.
- 1) Should a non-employee, on school property, demonstrate or threaten violent behavior he/she may be subject to criminal prosecution, or
  - 2) Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.
- B. The following actions are considered violent acts:
- 1) Striking, punching, slapping or assaulting another person.
  - 2) Fighting or challenging another person to fight.
  - 3) Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
  - 4) Engaging in dangerous, threatening or unwanted horseplay.
  - 5) Possession, use, or threat of use, of a gun, knife or other *weapon* of any kind on school property, including parking lots, other exterior premises, district vehicles, or while engaged in activities for the district in other locations, unless such possession or use is a requirement of the job.
  - 6) Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- C. Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a school employee or a non-employee, shall immediately report the incident to their supervisor or other appropriate person in the school district's chain of command.
- List the names of those in the chain of command with a contact number for each person. Included would also be the contact number for local law enforcement or indicate 911.*
- D. No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harrasment.
- E. Any employee, reported to be a perpetrator, will be provided both due process and

representation before school districts disciplinary action is taken.

- F. In the event the school district fears for the safety of the perpetrator or the safety of others at the scene of the violent act, law enforcement (911) will be called.