

# Sweeney Mason

LLP

## **Workplace Violence Prevention Plan**

### **POLICY STATEMENT**

Across the nation incidents of workplace violence and threats of violence have significantly increased in recent years. Immediate victims, as well as others, are affected by workplace violence or threats of violence, including fellow employees, family members and clients. The physical injuries, emotional distress and potential loss of life resulting from workplace violence may have long-term effects. Acts of violence or threats of violence may also have an impact on productivity and the effectiveness of the organization for an extensive period of time.

[Company] (the “Company”) recognizes the importance of providing a safe work environment and refuses to tolerate any form of violence in the workplace. In compliance with California OSHA guidelines and applicable law, the Company has developed this Workplace Violence Prevention Plan (“WVPP”) as part of its effort to prevent violent incidents from occurring.

All managers, supervisors and employees are responsible for implementing and maintaining our WVPP. The Company encourages employee participation in designing and implementing this program. The Company requires prompt and accurate reporting of all violent acts whether or not physical injury has occurred. The Company will not discriminate against victims of workplace violence.

A copy of this WVPP is readily available to all employees and from each manager and supervisor. This plan ensures that all employees, including supervisors and managers, adhere to work practices that are designed to make the workplace more secure, and do not engage in verbal threats or physical actions which create a security hazard for others in the workplace. All employees, including managers and supervisors, are responsible and accountable for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. The management of our establishment is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly.

This WVPP will be reviewed and updated annually.

### **RESPONSIBILITY AND ACCOUNTABILITY**

The WVPP Administrator is [Contact] and they have the authority and responsibility for implementing the provisions of this program for the Company. All managers, supervisors and employees are responsible for implementing and maintaining the WVPP in their work areas and for answering employee questions about the program.

In addition, a WVPP Planning Group will be established to assess the vulnerability to workplace violence at our establishment and reach agreement on preventive actions to be taken. This group will be responsible for developing employee training programs in violence prevention and plans for responding to acts of violence. They will also audit our overall Workplace Violence Prevention Program. If you are interested in joining the WVPP Planning Group, please contact [Contact] for more information.

#### COMPLIANCE:

All employees are responsible and will be held accountable for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. Managers, supervisors and employees will comply with work practices that are designed to make the workplace more secure, and will not engage in threats or physical actions which create a security hazard for others in the workplace. Managers and supervisors will:

- *Advise all employees of the Workplace Violence Prevention Plan;*
- *Provide a copy of the policy to each employee and place a signed copy of the policy statement in each employee's personnel file;*
- *Evaluate the performance of all employees in complying with Company workplace security measures;*
- *Recognize employees who perform work practices which promote security in the workplace.*
- *Provide training and/or counseling to employees who need to improve work practices designed to ensure workplace security.*
- *Discipline employees for failure to comply with workplace security practices.*
- *Identify the manager(s) who will serve as the primary contact(s) for responding to an incident involving workplace violence or prohibited behaviors; and,*
- *Ensure that all employees understand their duty and obligation to consider any and all prohibited conduct or incidents of workplace violence as serious and are advised to seek assistance as soon as early warning signs are identified.*

Managers and supervisors will maintain an open, two-way communications system on all workplace safety, health and security issues. Our establishment has a communication system designed to encourage a continuous flow of safety, health and security information between management and our employees without fear of reprisal and in a form that is readily understandable. Our communication system consists of the following items:

- New employee orientation on the Company's workplace security policies, procedures and work practices.
- Periodic review of our WVPP with all personnel.
- Training programs designed to address specific aspects of workplace security unique to the Company.
- Regularly scheduled safety meetings with all personnel that include workplace security discussions.

- A system to ensure that all employees, including managers and supervisors, understand the workplace security policies.
- Posted or distributed workplace security information.
- A system for employees to inform management about workplace security hazards or threats of violence.
- Procedures for protecting employees who report threats from retaliation by the person making the threats.
- Other: \_\_\_\_\_.

## HAZARD ASSESSMENT

The Workplace Violence Prevention Group will perform workplace hazard assessment for workplace security in the form of record keeping and review, periodic workplace security inspections, and a workplace survey. The assessment group will identify workplace violence and security issues and make recommendations to management and employees.

“Workplace violence” is defined broadly as any act of violence or threat of violence that occurs in a place of employment. Cal/OSHA separates workplace violence into three main categories:

- Type I - *An incident where the assailant has no legitimate relationship to the workplace and usually enters the workplace to commit a robbery or other criminal act.*
- Type II - *An incident involving a violent act by a recipient of a service provided by an employer.*
- Type III - *An incident committed by someone seeking revenge for perceived unfair treatment by a co-worker, a supervisor, a manager, or an incident involving a domestic dispute where an employee is threatened at work by someone with whom the employee has a personal relationship.*

For the purposes of this policy, workplace violence includes, but is not limited to, violence, direct or indirect threats of violence, intimidation, physical fighting, or unauthorized possession of weapons.

The Company takes the issue of workplace violence very seriously. For this reason, conduct which is prohibited includes, but is not limited to violence, direct or indirect threats of violence, intimidation, physical fighting or unauthorized use or possession of weapons.

Incidents of workplace violence have increased in recent years and are frequently caused by anger and/or frustrations, obsessive love affairs, and domestic disputes that spill over into the workplace.

A threat is the clearest indicator of potential violence (includes direct threats, veiled threats and threats conditioned upon other actions). For example, if an employee receives a phone call of a volatile nature, that should be reported to a supervisor.

Other signs or behaviors which may be identified along with threats may include an individual who...

- *is unusually argumentative*
- *doesn't cooperate well with others*
- *has a problem with authority figures*
- *frequently blames others for his or her problems*
- *displays marked changes in work patterns such as tardiness or absenteeism*
- *demonstrates extreme or bizarre behavior*
- *frequently appears depressed*
- *is involved in alcohol or drug abuse*
- *has a history of violence*
- *exhibits a preoccupation with weapons and their use to harm self or others*

It is certainly possible that a potentially violent individual may not exhibit all of the signs listed above. At the same time, caution must be exercised to avoid over reacting. For example, just because an employee is argumentative does not necessarily mean that the employee will also become violent.

#### RECORD KEEPING AND REVIEW

Note: Care must be taken to ensure appropriate confidentiality of medical and personnel records, as required by the ADA (Americans with Disabilities Act) and other applicable regulations or policies.

The Company will record every incident of workplace violence in a violent incident log that will include the following information:

- Date, time, and location of the incident
- Detailed description of the incident
- Classification of who committed the violence
- The type of violence, including whether it was a physical attack or threat, whether weapons or other objects were involved, or whether it was a sexual assault
- Consequences of the incident including whether security or law enforcement was contacted and whether actions were taken to protect employees from a continuing threat.

This log will be maintained for five years and will omit all personal identifying information.

Employees are entitled to view and copy the log within 15 calendar days of a request.

Periodic updates and reviews of the following workplace violence reports and records will be made:

- Occupational Safety and Health Administration (OSHA) logs
- Workplace violence incident reports
- Information compiled for recording assault incidents or near-assault incidents (i.e., Threat & Assault Log)

- Insurance records
- Police reports
- Workplace survey
- Accident investigations
- Training records
- Grievances
- Inspection information
- Other relevant records or information

## WORKPLACE SECURITY INSPECTIONS

Periodic inspections to identify and evaluate workplace security hazards and threats of workplace violence will be performed according to the following schedule:

- \_\_\_\_\_ (Frequency weekly, monthly, etc.);
- When we initially established our WVPP;
- When new, previously unidentified security hazards are recognized;
- When occupational injuries or threats of injury occur; and
- Whenever workplace security conditions warrant an inspection.

Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices, and may require assessing for more than one type of workplace violence. Our establishment performs inspections for each type of workplace violence by using the methods specified below to identify and evaluate workplace security hazards.

## TYPE ONE INSPECTIONS

Inspections for workplace security hazards from violence by strangers (Type 1) include assessing:

- The exterior and interior of the workplace for its attractiveness to robbers.
- The need for security surveillance measures, such as mirrors or cameras.
- Posting of signs notifying the public that limited cash is kept on the premises.
- Procedures for employee response during a robbery or other criminal act.
- Procedures for reporting suspicious persons or activities.
- Posting of emergency telephone numbers for law enforcement, fire and medical services where employees have access to a telephone with an outside line.
- Limiting the amount of cash on hand and using time access safes for large bills.
- Staffing levels during evening hours of operation and at other high risk times.
- The use of work practices such as "buddy" systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- Other: \_\_\_\_\_

## TYPE TWO INSPECTIONS

Inspections for workplace security hazards from violence by customers or clients (Type 2) include assessing:

- Access to, and freedom of movement within, the workplace.
- Adequacy of workplace security systems, such as door locks, security windows, physical barriers and restraint systems.
- Frequency and severity of threatening or hostile situations that may lead to violent acts by persons who are service recipients of our establishment.
- Employees' skill in safely handling threatening or hostile service recipients.
- Effectiveness of systems and procedures to warn others of a security danger or to summon assistance, e.g., alarms or panic buttons.
- The use of work practices such as "buddy" systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- The availability of employee escape routes.
- Other: \_\_\_\_\_

## TYPE THREE INSPECTIONS

Inspections for workplace security hazards from violence by co-workers (Type 3) include assessing:

- How well the Company's anti-violence policy has been communicated to employees, supervisors and managers.
- How well the Company's management and employees communicate with each other.
- How well Company employees, supervisors and managers know the warning signs of potential workplace violence.
- Access to, and freedom of movement within, the workplace by non-employees, specifically recently discharged employees.
- Frequency and severity of employee-reported threats of physical or verbal abuse by managers, supervisors or other employees.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace.
- Employee disciplinary and discharge procedures.
- Other: \_\_\_\_\_

Inspection for workplace security hazards from violence by personal relations (Type 3) include assessing:

- Access to, and freedom of movement within, the workplace by non-employees, specifically personal relations with whom one of our employee's is having a dispute.
- Frequency and severity of employee-reported threats of physical or verbal abuse which may lead to violent acts by a personal relation.

- Adequacy of workplace security systems, such as door locks, security windows, and physical barriers.
- Any prior violent acts, threats of physical violence, verbal abuse, property damage or other signs.
- The use of work practices such as "buddy" systems, as appropriate, for identified risks (e.g., walking employees to their cars or mass transit stops at the end of the work day).
- Adequacy of lighting and security for designated parking lots or areas.
- Warnings or police involvement to remove personal relations of employees from the worksite and effectiveness of restraining orders.
- Other: \_\_\_\_\_

## TRAINING AND INSTRUCTION

The Company has established the following policy on training all employees with respect to workplace violence and security. All employees, including managers and supervisors, shall have training and instruction on general and job-specific workplace security practices. Training and instruction shall be provided when the WVPP is first established and periodically thereafter. Training shall be provided to all new employees and to other employees for whom training has not previously been provided. It shall also be provided to all employees, supervisors, and managers given new job duties for which specific workplace security training for the job duty has not previously been provided. Additional training and instruction will be provided to all personnel whenever the employer is made aware of new or previously unrecognized security hazards. General workplace violence and security training and instruction includes, but is not limited to, the following:

- Explanation of the Workplace Violence Prevention Program including measures for reporting any violent acts or threats of violence.
- Recognition of workplace security hazards including the risk factors associated with the four types of violence.
- Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats to managers and supervisors.
- Ways to defuse hostile or threatening situations.
- Measures to summon others for assistance.
- Employee routes of escape.
- Notification of law enforcement authorities when a criminal act may have occurred.
- Emergency medical care provided in the event of any violent act upon an employee.
- Post-event trauma counseling for those employees desiring such assistance.
- Information about the Company's violent incident log and how employees can obtain a copy.

In addition, the Company provides specific instructions to all employees regarding workplace security hazards unique to their job duties, to the extent that such information was not already covered in other training.

## REPORTING AND INCIDENT INVESTIGATION

Even though workplace violence is increasing across the nation, Company employees can decrease the odds of such occurrences if angry outbursts are not ignored and any violence or threat of violence that occurs in the workplace is reported in accordance with the following provisions of this WVPP:

Employees may report incidents of violence or threats of violence to their immediate supervisor, another supervisor, a member of the Workplace Violence Prevention Group, Human Resources, or [Contact.]

It is critical that any incident of violence or threat of violence is reported and not ignored. For this reason, the Company requires employees to report such incidents, including, but not limited to:

- *Any employee while in the workplace or while on Company business who observes or hears a person (e.g., employee, visitor, contractor, vendor, client patient, etc.) who threatens, attempts, or commits a prohibited behavior or act of violence shall immediately notify his/her immediate supervisor or the department's designee for this purpose.*
- *Any employee who observes or becomes aware of any unauthorized possession, use, transferring, or selling of a weapon at a Company work site or any other location while any person is on Company business shall immediately report this to his/her immediate supervisor or to the department's manager designated for this purpose.*

The Company will make every reasonable effort to maintain the confidentiality of individual(s) reporting incidents of workplace violence. No guarantees can be made in all situations as the identity of the reporter may be critical to the investigation and/or incident.

Company procedures for investigating incidents of workplace violence, threats, and physical injury include:

- Reviewing all previous incidents.
- Visiting the scene of an incident as soon as possible.
- Interviewing threatened or injured employees and witnesses.
- Examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
- Determining the cause of the incident.
- Taking corrective action to prevent the incident from recurring.
- Recording the findings and corrective actions taken.

Hazards which threaten the security of workers shall be corrected in a timely manner based on severity when they are first observed or discovered.

The Company will maintain a copy of all workplace violence incident investigations for five years.

## HOW TO RESPOND TO INCIDENTS OF WORKPLACE VIOLENCE/RELATED BEHAVIOR:

The first obligation of Company employees is to assist in maintaining a secure and safe



workplace by adhering to the WVPP.

In the event of an incident or violation of the WVPP, employees are advised to adhere to the following priorities, if possible.

<b>RESPONSIBLE PERSON</b>	<b>ACTION</b>
EMPLOYEES	<ul style="list-style-type: none"> <li>• <i>Get help in securing the environment and obtain medical aid for any victims.</i></li> <li>• <i>Dial 911 for local police. Request paramedics or ambulance services, if needed.</i></li> <li>• <i>Follow police/sheriff/security instructions and directions for personal safety and for securing the work environment.</i></li> <li>• <i>Notify the immediate supervisor or the manager designated for this purpose.</i></li> </ul>
DESIGNATED MANAGER	<ul style="list-style-type: none"> <li>• <i>At the time you are notified of an incident, quickly determine the status of the situation.</i></li> <li>• <i>Have the appropriate steps been taken by employees to secure the environment, obtain medical aid, and to obtain security/law enforcement assistance?</i></li> <li>• <i>Quickly gather as much factual information as possible (what, where, when, how, who, why) in preparation for the next step.</i></li> <li>• <i>Evaluate the situation and determine appropriate course of action.</i></li> </ul>

**DEFINITIONS:**

**Intimidation:** *Inspiring fear in a person by a show of force or a promise of force.*

**Physical Fighting:** *The act of aggression or initial force in physically contending with another with the intent to overpower and/or to cause harm.*

**Threat:** *An expression of a direct (intent to take an action) or indirect (what could happen or that something could happen) intention to inflict pain, injury or punishment upon another person or property.*

**Violence:** *Aggressive acts or initiation of physical force exerted for the purpose of violating, damaging or abusing others.*

**Weapons:** *An instrument, article or substance, which in the possession of an employee or under the circumstances of which it is used or is threatened to be used, is readily able of causing physical injury or death.*

# VIOLENT INCIDENT LOG

To be used for each incident or alleged incident of workplace violence

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Who Committed the Violence: \_\_\_\_\_

Against Whom was the Violence Committed: \_\_\_\_\_

Type of Violence:

Physical Attack or Threat

Verbal Attack or Threat

Weapon Used or Threatened to be Used. If so, what weapon: \_\_\_\_\_

Sexual Assault

Corrective Actions Taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was Security or Law Enforcement Contacted: \_\_\_\_\_

Consequences of Incident: \_\_\_\_\_

\_\_\_\_\_

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NOTE: This form is to be retained for 5 years after the incident with personal identifying information redacted. Employees are entitled to view and copy the log within 15 calendar days of a request.