

CWA

VIOLENCE in the **WORKPLACE**

COMMUNICATIONS WORKERS OF AMERICA

What is Workplace Violence?

As a Union, we must take a stand for safety in the workplace. Violence is a serious safety concern that we can and should address through collective action and regulatory agency assistance.

Workplace violence can take on many forms and is not limited to those workplaces where violence is expected — such as law enforcement and mental health — but occurs in almost every occupation that deals with the public. This booklet covers several forms of violence and suggestions on how to address them.

Workplace violence includes:

- ◆ verbally abusive behavior;
- ◆ threats of future injury to others;
- ◆ menacing with a fist or brandishing a weapon;
- ◆ low-level assault, such as pushing;
- ◆ overt physical violence, striking at another with a fist or weapon;
- ◆ attempted murder; and
- ◆ murder or suicide



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Produced by the CWA Education and Health & Safety Departments
2011



NABET-CWA Local 51016 and TNG-CWA Local 31222 Bravery and Preparedness While Providing Media Reports

Reporters are often involved in risky situations as they cover breaking news of violence and war, but nothing could prepare an ABC news team after they were carjacked and threatened with beheading during the Egyptian revolution of 2011.

Akram Abi-hanna, a veteran photographer from Local 51016 in New York City, used his Lebanese heritage and Arabic language skills to de-escalate the situation and persuade a pro-Mubarak mob to release him and 3 other team members. Brian Hartman, a producer in the team, wrote: "The men released us only after our cameraman appealed to the generous spirit of the Egyptian people, hugging and kissing an elder."

NABET-CWA President Jim Joyce said, "Our viewers and readers don't necessarily realize what it takes to get these stories and how much risk people put into their jobs. What happened to Akram and his team in Egypt is a dramatic example of how our members selflessly put their lives on the line to bring the important stories of world-changing events to people back in the United States and around the world."

What steps are taken to ensure reporters' safety? At the Associated Press, reporters cover disasters such as the Haiti earthquake and Hurricane Katrina, as well as wars and neighborhood violence. Some of the more innovative safety measures have included war safety classes taught by British commandoes. There, reporters were trained in first aid, recognizing hazards, and other matters specific to the regions of the world where they might report on violent conflict.

TNG-CWA members of Local 31222 who work at the Associated Press also have negotiated an additional layer of protections above workers' compensation. The contract requires management to provide protective devices such as bullet-proof vests and gas masks to reporters covering dangerous situations. Fortunately, the AP has been very responsive to suggestions and ideas to further reduce the risk of violence in everyday work. Tony Winton, Local President, remarked: "The Guild has worked in a cooperative way with the AP to support reporters with training before, during, and after difficult assignments."

How Big is The Problem?

Approximately 18% of all violent crime occurs in the workplace. In 2008 alone, homicides accounted for 10% of all workplace deaths, according to the Bureau of Labor Statistics (BLS). We often think of occupations such as police officers, corrections officers, taxi drivers, or convenience store clerks as the most likely victims, but other types of workers are increasingly subjected to violence.

Approximately 24% of workplace violence is related to personal relationships, which involve situations where an individual gains access to a workplace and commits a crime targeting an employee or customer who is a current or former intimate partner. Other common examples of workplace violence in this category involve rape or sexual assault by a supervisor or coworker as well as:

- ◆ An employee uses a work cell phone to threaten a coworker with whom he or she had a prior intimate relationship.
- ◆ A survivor of domestic violence has fled her abusive relationship and is now being followed by her abuser at work.
- ◆ A former dating partner stalks an employee.
- ◆ A customer stalks a coworker.
- ◆ A supervisor sexually assaults an employee in an isolated part of a factory or farm.
- ◆ An employee's estranged husband attacks the employee at the parking lot leading to severe injuries.
- ◆ An employee's former partner gains access to the workplace with a weapon and kills the employee and her coworker.

Who is Affected?

Workers who are most likely to be assaulted are those who:

- ◆ work with the public;
- ◆ must work alone;
- ◆ handle money;
- ◆ come in contact with patients or clients who may be violent; and
- ◆ deal with customer or client complaints.

CWA members working in many different occupations experience many different types of violence on the job.

Throughout this booklet you can read real life stories of workplace violence experienced by CWA members.

Local 2055

Corrections Officers and Non-Uniformed Support Staff Lobby for OSHA Bill Inclusion

When the West Virginia Legislature passed a state OSHA bill in the 1980s, Corrections employees—members of CWA Local 2055—were excluded. The bill was never funded, but CWA leaders and activists worked hard to move the funding portion through the state house and create the case that our members deserve to be included in the same provisions that cover public law enforcement workers. In coalition with other public sector unions and the AFL-CIO, CWA members hold an annual “Corrections Day” at the state capitol, where they lobby legislators about how they, too, face regular assaults from inmates. Becky Slayton, an employee at Beckley Correctional Center and member of CWA Local 2055 said, “Our work can be very dangerous and stressful and we need to be sure our elected representatives really understand the extent of the dangers we face every day on the job and help us with the issues that can be resolved with legislative measures.”

Why Are Workers Assaulted?

Each incident of violence has its own set of causes. Working with customers or patients who may be frustrated, anxious, impatient, angry, in shock, mentally disturbed, or under the influence of drugs or alcohol inevitably carries with it the potential for violence. Such people may lash out against whoever is closest to him/her – often an employee.

Some specific factors which commonly play a role are:

- ◆ Under-staffing, which forces people to work alone or without enough staff to provide good coverage, thus allowing tensions to rise among patients or clients;

- ◆ Lack of training for workers in recognizing and defusing potentially violent situations;
- ◆ Failure to alert workers to patients or clients who have a history of violence;
- ◆ Failure to provide an escort or buddy system to work in high-crime areas;
- ◆ Failure to design safe workplace (including security) and emergency procedures;
- ◆ Failure to identify hazardous conditions and develop proper controls, policies and education programs.

Local 1126

Deranged Customers an Unwelcome Part of Retail Work

In 2010, Seth Turk, a member of CWA Local 1126, was standing at his desk toward the front of the AT&T Wireless store in the town of New York Mills. He was on the phone, trying to get some help with a warranty for a walk-in customer, a young off-duty police officer, Donald Moore.

While Seth was on hold, a familiar customer came through the door. He was a 79-year-old man who used to come into the store almost daily and had earned a reputation as a bit of a troublemaker, harassing and complaining about employees. Seth and his coworkers hadn't seen him for more than a month, and there was a good reason for that.

AT&T had sent a letter officially banning the elderly customer from the store after Seth told his boss and a union representative that the man carried a revolver. He'd shown the gun and his concealed weapons permit to Seth some months earlier when the two of them were having a friendly chat about policing. The gun was legal, but when the man's complaints and behavior escalated, Seth became concerned and reported it.

Within a few weeks, authorities seized the man's gun and revoked his carry permit. The day after he lost his appeal was

the day he returned to the store and opened fire. Seth was wounded, but the bullet that struck Seth was the only shot the elderly customer was able to fire. Within a split second, Officer Moore had pulled his weapon and killed the gunman before he could shoot off another round. Officer Moore's instantaneous reaction saved Seth and everyone else who worked at the store. This was a premeditated act that could have been even more tragic; the customer had written a letter pledging to kill six people who worked at the store, including two managers and four CWA members. Seth was the first on the list.

Since this shooting, AT&T provided armed security outside the store until its eventual move to a shopping mall. The company installed additional cameras and 911 emergency buttons for the safety of employees. CWA continues to monitor the situation and members are reporting to authorities any disgruntled customers who make questionable or threatening comments.

FACT:
In 2008, shootings accounted for 80% of all homicides in the workplace, but only 12% of assailants were co-workers or former co-workers.

What Are the Effects of Violence?

Aside from physical injuries, violent, abusive or threatening incidents in the workplace can result in serious disabling psychological damage. The constant fear of violence erupting can cause enormous stress and emotional harm.

Victims of workplace violence have an increased risk of Post Traumatic Stress Disorder (PTSD), a disorder common among combat veterans and victims of terrorism, crime, rape and other violent acts. Emotional problems

resulting from violent incidents include self-doubt, depression, fear, PTSD, loss of sleep, irritability, disturbed relationships with family, friends and co-workers, decreased ability to function at work, and increased absenteeism.

Workers often blame themselves when they are injured in an assault, and management often encourages this self-blame.

Social Workers Face Daily Risk While Protecting Children

The Federation of Social Workers, IUE-CWA Local 81381, has represented case workers in Rochester, NY for more than 50 years. As part of their job, some case-workers must make home visits to supervise and monitor court ordered visits and investigate complaints involving child protection issues. In some cases, family members become enraged and threaten or attack the case worker. To address the threat of violence, workers are encouraged to request to have a police escort when they know there is a history of violence in the home. However, police escorts are not always available when they are requested. Because police are not always available, the Union intervenes during risky home visits and urges that two people go together for situations with a history of extreme tension and/or threatening behavior. The Union also intervenes when management assigns the same case worker who removed a child from the home to later monitor the

child’s visitation meetings with his/her parent(s). Just the vision of the case worker can trigger angry responses from a parent, so the practice is not advised. Evelyn Evans, President of Local 81381 said, “We understand the risks inherent in our work, but we feel the County—our employer—needs to provide basic protections for caseworkers who require them.”

New York State passed legislation in June, 2006 that requires public employers to:

- ◆ Perform a workplace evaluation or risk assessment at each worksite;
- ◆ Develop and implement programs to prevent and minimize workplace violence; and
- ◆ Train employees and supervisors on recognizing and reporting issues of workplace violence.

How Can We Prevent Violence?

Workplace violence can often be prevented — even in workplaces that serve groups of the public who tend to be aggressive and violent. In almost every case, there are solutions. Some are easy, painless and cheap; others are more difficult and more expensive. Solutions differ greatly from occupation to occupation, and from workplace to workplace. Yet there are measures that can be taken to make the work environment less dangerous, even in the most inherently dangerous workplaces.

Engineering Controls

We can reduce the incidence of violence by making our work environments safer. Recommended engineering controls include changing office design to provide escape routes for employees; installing panic alarms, bullet proof glass and entrance controls in certain parts of a building, closed circuit TV cameras, and

increased lighting outside a workplace; restricting entrance to a facility after dark; and providing mobile phones and escorts for field personnel.

Some CWA members who work in high- crime areas are provided escorts to help prevent violence. Employers have increased lighting in parking lots or hired security guards. You’ll find examples of solutions to some workplace violence problems in the stories of CWA members throughout this book.

Administrative Controls

Administrative controls can include: additional staffing; a ban on working alone; recording and investigating incidents, verbal abuse and “near misses;” and, training in diffusing violent situations or in self defense. Workers in the field should also be able to refuse to go into a job area if they feel it may be unsafe.

Union Stops a Manager Bully

When a male manager started making sexual advances towards a female employee/union officer/steward at an AT&T garage, the woman went straight to the Civil Rights and Equity Committee at her local to report the incidents. The local filed charges with the EEOC and demanded upper management deal with the lower-level manager's discriminatory behavior. The manager in question signed a statement admitting inappropriate behavior and vowed not to do it again.

The manager may have been put on notice, but he began to bully the same woman on several occasions by speaking

in a loud and demeaning voice in front of her peers, following her in the workplace, and glaring at her whenever they met. In the final incident, she was walking through an area that was not her work zone when a technician asked her a union-related question. The manager had followed her and yelled out, "Leave now!" He escorted her out of the room and then attempted to suspend her for insubordination. The local's Civil Rights and Equity Committee jumped into action again to support their union sister by filing additional charges and a grievance that underscored the right to a bully-free workplace. The manager was ultimately terminated.

Bullying: Is it Workplace Violence?

Yes, but what is it? Workplace bullying refers to **repeated**, unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which is intended to intimidate and creates a risk to the health and safety of the employee(s).

Workplace bullying often involves an abuse or misuse of power. Bullying includes behavior that intimidates, degrades, offends, or humiliates a worker, often in front of others. Bullying behavior creates feelings of defenselessness in the target and undermines an individual's right to dignity at work. Bullying is different from aggression. Whereas aggression may involve a single act, bullying involves *repeated* attacks against the target, creating an **on-going pattern** of behavior.

Examples of Bullying:

◆ Unwarranted or invalid criticism. Example: "Your work really does nothing to advance the organization."

- ◆ Blame without factual justification. Example: "We won't get bonuses because of you."
- ◆ Being treated differently than the rest of your work group. Example: Giving a probationary worker unreasonable amounts of work without proper training.
- ◆ Being sworn at.
- ◆ Given unrequested nicknames. Examples: "Professor Smartypants" or "Baldy" or "El Jefe"
- ◆ Exclusion or social isolation. Example: Not being invited to the holiday party.
- ◆ Being shouted at or being humiliated. Example: Called out at a meeting for wearing unfashionable shoes.
- ◆ Being the target of practical jokes. Example: A new employee is the target of "dumb blonde" jokes
- ◆ Excessive monitoring. Example: A boss who regularly changes assignment priorities too quickly to allow for competent and thorough work.

Passenger Violence Toward Flight Attendants Increasing

As airlines trim passenger amenities while booking full flights, the flight attendant usually receives the brunt of passenger complaints. Occasionally, passengers step out of line and bully a flight attendant in order to meet their needs. In one example, a passenger became upset when her seat cushion was wet. She threw the cushion at the feet of a flight attendant and proceeded to yell, "We paid good money. How dare you ask me to sit on a wet cushion!" When the flight attendant tried to calm her and offer solutions to the problem, the woman's husband then threw a cushion at her and the original passenger started bullying the attendant by threatening to jeopardize her job.

The flight attendant sought help from the purser and the two passengers plus their traveling companions were removed from the flight before take-off. In the airline industry, the FAA (not OSHA) oversees workplace safety standards, but flight attendants must exercise their rights to safe working conditions. In cases of irate passengers, this can be a difficult set of judgment calls.

Bullying: Is it Workplace Violence?

Continued

Bullying is Different from Harassment

Harassment is one type of illegal discrimination and is defined as offensive and unwelcome conduct, serious enough to adversely affect the terms and conditions of a person's employment, which occurs because of the person's protected class, and can be imputed to the employer. At a federal level, protected classes in employment are race, color, religion, national origin, age, sex, disability, veteran/military status, and genetic information.

An example of **harassment** could be when an employee tells racist jokes and refers to a particular co-worker or group of co-workers by using racial slurs, and after a complaint, the employer does nothing to stop the behavior. Another example of **harassment** could be a male manager who makes unwelcome sexual suggestions to a female employee and touches her inappropriately or makes

her promotion dependent on her acquiescing to his demands for sex.

Bullying also differs from **retaliation**, which occurs after a person makes a complaint of illegal discrimination, and is then the subject of an adverse employment action or subjected to harassment because he or she made the complaint.

Bullying, on the other hand, is often directed at someone a bully feels threatened by. The target often doesn't even realize when they are being bullied because the behavior is covert, through trivial criticisms and isolating actions that occur behind closed doors. While harassment is illegal; bullying in the workplace is not. What we are seeing, however, are more employers taking the issue seriously and implementing policies that attempt to curb the behaviors.

What Can be Done About Bullying?

Regain control by:

- ◆ Recognizing that you are being bullied.
- ◆ Realizing that you are NOT the source of the problem.
- ◆ Recognizing that bullying is about control, and therefore has nothing to do with your performance.

Take action by:

- ◆ Keeping a diary detailing the nature of the bullying (e.g., dates, times, places, what was said or done and who was present).
- ◆ Obtaining copies of harassing / bullying paper trails; hold onto copies of documents that contradict the bully's accusations against you (e.g., time sheets, audit reports, etc.).

Other actions:

- ◆ Expect the bully to deny and perhaps misconstrue your accusations; have a witness (Union Steward) with you during any meetings with the bully; report the behavior to an appropriate person.

- ◆ Talk with your Union Steward about where the grievance process may apply

Stand up for what's right: If you are aware of bullying in the workplace and do not take action, then you are accepting a share of the responsibility for any future abuses. This means that witnesses of bullying behavior should be encouraged to report any such incidences. Individuals are less likely to engage in antisocial behavior when it is understood that the organization does not tolerate such behavior and that the perpetrator is likely to be punished.

Adapted from Washington State Department of Labor and Industries. April 2008 Report # 87-2-2008.

What Can the Union Do About Violence in the Workplace?

Find out what's happening at your workplace.

Before you can come up with a solution, you have to know the extent of the problem. Talk to workers and find out if they have concerns about safety. Develop a short survey to distribute in your workplace. Make sure you involve as many people in this activity as possible. Compile the results of your survey, consult with stewards and other union leaders, and then decide as a group the most effective way to use these results.

One of the most important activities to get people involved in is documenting the problem. Urge members to document all—assault incidents and all near- incidents. They should document any threat of assault and physical and verbal abuse.

Develop a plan of action.

Use your health and safety committee or form one to deal with workplace violence.

This committee should coordinate the collection of all documented assault or safety incidents, as well as any “close calls” indicating that a problem exists. This committee should also meet regularly to discuss workplace violence issues and gather any additional facts to be presented to management.

Set up a process for documenting employee concerns and notify management in writing of any serious incidents that appear to pose immediate danger to employees. The committee can also talk with management about setting up training or educational programs to deal with workplace safety and violence issues.

Bring your documented concerns to management.

Once you have gathered your documentation and survey results, you should request a meeting with management. Select a group of workers to attend this meeting who have personal knowledge of the problems or who can present the issues most effectively. Be sure to communicate your concerns to management in writing. Management can be held legally responsible for injuries or other damages that occur if it had notice of a problem and did not take corrective action.

Make a written request for a meeting with management whenever it appears that a serious workplace violence issue exists and requires attention. Clearly present your complaint when you meet with management. Make notes of your meeting, and follow-up with a letter that summarizes the problems and the request that the problem(s) be corrected.

Locals Struggle with Management to Keep Technicians Safe

In 2006, a CWA technician witnessed a shooting while on the job and became a target after he was seen talking with police following the incident. Soon after, subtle and not-so-subtle retaliation began, as gun-toting allies of the shooter followed AT&T vans closely to identify the driver(s). Because police had previously used AT&T vehicles to entrap people in the same communities, there was an additional level of risk involved for other CWA members. To deal with these threats of violence, the union worked hard to get management to adopt provisions. Examples include:

1. Time of work limited to morning hours in defined areas of high crime and monitored during other times of day.
2. No evening dispatches
3. Buddy system allowed if techs requested it
4. Mapping and prioritizing of danger zones

5. No suspensions for refusal to work a job in the defined areas
6. Defective cable in the defined areas would be prioritized to replace -reducing the number of dispatches to the area

However, these provisions were limited to the installation and repair divisions of AT&T that serves Richmond and Oakland, California. Unfortunately, since these agreements were negotiated, the company has slowly backed away from honoring them. This backsliding, along with ongoing unemployment in impoverished sections of the city, means the hazardous conditions are increasing. CWA is continuing to press for implementation of the provisions that were agreed upon in 2007.

These efforts were guided in part by the pioneering work of CWA leaders in San Francisco during the 1970s. Back then, the managers were required to accompany any worker who responded to service calls after dark in the mapped areas.

What Can the Union Do

Continued

If your demands are met, make sure you publicize your success and share it with the rest of the union.

If management refuses to respond or will not fully correct the situation, be prepared to:

- ◆ Continue to send written notices of problems and requests for corrective action;
- ◆ File a grievance;
- ◆ Refuse to work alone or under certain conditions, or requesting alternative work (check with local leadership first);
- ◆ Contact OSHA and demand action;
- ◆ Publicize the problem using the media;

- ◆ Create a mobilization campaign around the issue;
- ◆ Negotiate health and safety language in your next contract;
- ◆ Build coalitions and lobby for laws that provide proper protection for workers from workplace violence and a hostile work environment.
- ◆ Talk with your local officers or national staff about possible legal remedies, particularly if an employee has been injured by a problem that management refuses to acknowledge or correct.

Local 1040

Addressing Violence in Psychiatric Hospitals with Improved Staffing

When incidents of patient-to-caregiver violence seemed to be increasing, Local 1040 began tracking incidents. Through a reporting system, they discovered that, when the staff-to-patient ratio was low, more violent acts took place. Inversely, when the ratio was high, there were fewer problems.

At Ancora Psychiatric Hospital, Hammonton, New Jersey, CWA members can be R.N.s or supervisors. When there are not enough LPNs to provide walks and other care to patients, the R.N. or supervisor fills in. When they do more direct patient care, they also expose themselves to greater risk of a violent incident. When the tracking program began, affected members would fill in a basic form and fax it to the local. This detailed tracking of ward and staffing during the incidents led to marked improvements in staffing levels.

Regulations and Legislation

The growing awareness of the potential for violence in the workplace has produced efforts from a few regulatory agencies and legislators to require employers to take steps to improve safety and security.

OSHA

The Occupational Safety and Health Administration (OSHA) has released voluntary guidelines to help health care and social service employers identify and prevent workplace violence. The voluntary guidelines include four components for identifying and preventing workplace violence:

- ◆ Management commitment and employee involvement;
- ◆ Worksite analysis;
- ◆ Hazard prevention and control; and
- ◆ Safety and health training. For a complete listing of the OSHA guidelines, please contact the CWA Occupational Safety and Health Department.

State Guidelines

Several states (including New Jersey, New York, California, and

Washington) have issued guidelines to stem the rising tide of workplace violence. In 1993, the New Jersey Department of Labor, under the Public Employees Occupational Safety and Health Program, issued guidelines that specify safety measures and procedures in public sector health care facilities.

The guidelines call for:

- ◆ Development of systems for assessing patients (for possible violent tendencies), and making sure workers assigned to the patient are aware of the assessment;
- ◆ Development of a system for summoning assistance when violence or aggressive behavior erupts;
- ◆ Provisions for creation of an area where violent or aggressive patients can be contained to ensure the safety of others;
- ◆ A procedure for patient restraint to be used when necessary to ensure the safety of others;
- ◆ Adequate staffing levels;
- ◆ Education and training in management of violent patients/clients; and
- ◆ Supportive intervention for employees involved in an incident.

Local 1182

Traffic and Sanitation Enforcement Officers Address Workplace Violence Through Legislation

“Five New York City traffic enforcement officers a day experience assault or harassment,” according to Local 1182 President James Huntley.

The almost 1,700 city officers enforce the rules and regulations for the traffic division. They write tickets for expired meters, illegal parking and moving violations and help direct traffic. The 171 CWA-represented Sanitation Enforcement Officers write summons for problems related to blocked driveways, blocked sidewalks and illegally parked cars.

“They’ve had broken arms, broken jaws, [been] hit by cars [and] threatened by pedestrians who say “I’ll kill you if you write me a ticket,” reports Huntley. In 2008, CWA member Darnette Sands lost her life when she was hit by a van and then pinned under a bus. More recently, a member was hit by a car while directing traffic and lost his leg as a result of the accident.

The union is working to stop the harassment. The local developed a campaign to make harassment of traffic and sanitation officers a felony offense. Through grassroots mobilization, communications strategy and intensive lobbying, New York State lawmakers passed the most recent piece of legislation in August, 2010. Now, physical contact with a traffic or sanitation officer—or interrupting the issuance of a parking ticket—can carry a prison sentence of up to seven years.

As a result of this amazing political work, the relationship between the union and management is now much more productive. Any report of violence or injury gets reported by the heads of the Sanitation or Traffic Departments directly to the President of Local 1182 so that clear information is shared and problem-solving happens quickly.

OSHA Regulations on Workplace Violence

The California Occupational Safety and Health Administration (CalOSHA) issued guidelines in May, 1993 calling for the development of a program that includes the following:

- ◆ work-site analysis
- ◆ hazard prevention and control
- ◆ engineering controls
- ◆ administrative controls
- ◆ personal protective devices
- ◆ medical management and counseling
- ◆ education and training
- ◆ record keeping and evaluation

The Cal-OSHA guidelines provide detailed guidelines for a number of workplaces. For a copy of the guideline, contact Cal-OSHA at <http://www.dir.ca.gov/dosh/>.

The near-fatal shooting of three physicians at a California medical center in February, 1993 led to the passage of legislation later that year

requiring all hospitals, by July 1, 1995, to conduct a security and safety assessment and, using that assessment, to develop a security plan to protect personnel, patients, and visitors from aggressive or violent behavior.

Additionally, unions in New York presented the state Labor Department’s Hazard Abatement Board with a proposed standard outlining ways to increase security of employees on public work sites.

The standard calls for the creation of a security and safety control plan which includes risk assessment, hazard prevention and control methods, employee training and education, medical management and counseling and recordkeeping. If the proposed standard is accepted by the Board, it would apply under the Public Employee Safety and Health law, a New York regulation already in place.

OSHA Regulations on Workplace Violence

In addition to issuing voluntary guidelines for employers that help to identify and prevent workplace violence, OSHA has cited employers under the “General Duty Clause” which requires employers to provide a safe workplace. OSHA fined Danbury Hospital in Connecticut \$6300 because workers there had suffered numerous injuries at the hands of violent patients. In one instance, a nurse was shot by a patient. In order to sustain a general duty clause violation, OSHA must prove the existence of a hazard, which is recognized and causes, or is likely to cause, death or serious physical harm, and the existence of a feasible and effective method to abate the hazard. The union will need to assist OSHA in building its case.

1. Prove to OSHA that a hazard exists.

The employer’s injury and illness forms will hold evidence of the extent of violence-related injuries. (This is why it is so important to encourage workers to report every incidence.) Grievances, complaints, employer-maintained absenteeism data (including medical diagnoses by personal and workers’ compensation physicians), minutes of health and safety committee meetings, OSHA Logs of Occupational Injuries and Illnesses, and workers’ compensation records will also be evidence that a problem exists.

2. The hazard is recognized.

“Recognized” means that the employer has knowledge that

assaults are a hazard in the workplace and/or that workplace conditions make violence likely. Recognition can also mean that the employer should have knowledge that assaults are a problem in the workplace, even if the employer doesn’t admit there is a problem. For example, the employer should have known there is a problem because this problem is generally recognized by people working in the field, or there have been several studies written, or guidelines have been issued.

3. The hazard causes or is likely to cause death or serious physical harm.

Workers’ compensation records, medical records, and accident reports can be used to prove the severity of injuries related to workplace violence.

4. A feasible and effective method to eliminate the hazard exists.

There must be a solution to the problem. There are a variety of sources of information on potential steps that can be taken to minimize the likelihood of violence in the workplace. Of course, you will need to make the case that it is financially affordable to the company.

Additional Resources:

◆ **Violence in the Workplace** (www.cdc.gov)

National Institute for Occupational Safety and Health.

◆ **Safety & Health Topics: Workplace Violence** (www.osha.gov)

Occupational Safety & Health Administration.

◆ **Prevention of Workplace Violence**

(<http://crimeprevention.rutgers.edu/crime/violence/workplace/prevention.htm>)

Rutgers School of Criminal Justice.

◆ **Workplace Violence: A Report to the Nation** ([www.public-](http://www.public-health.uiowa.edu/iprc/resources/workplace-violence-report.pdf)

[health.uiowa.edu/iprc/resources/workplace-violence-report.pdf](http://www.public-health.uiowa.edu/iprc/resources/workplace-violence-report.pdf)) University of Iowa

Injury Prevention Research Center.

◆ **Workplace Violence: Awareness and Prevention for Employers and**

Employees (www.lni.wa.gov/IPUB/417-140-000.pdf) Washington State Department

of Labor & Industries.



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