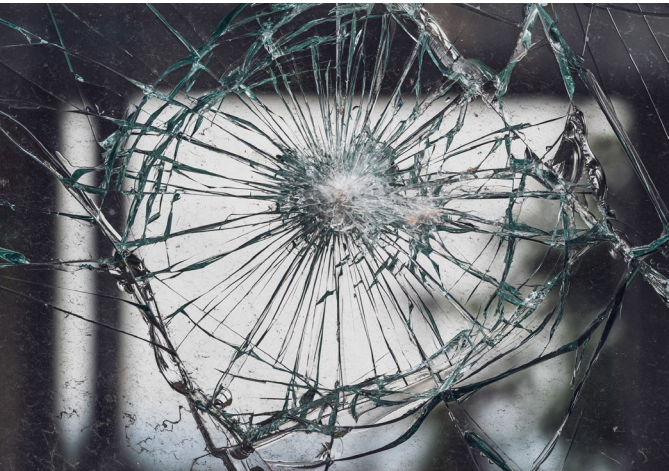




# Pacific Coast Safety Fest

Workplace Violence in General Industry

Channing Sheets, MSEd, RVT, RBP



# What is workplace violence?

**Workplace violence-** means **any act of violence or threat of violence that occurs in a place of employment.**

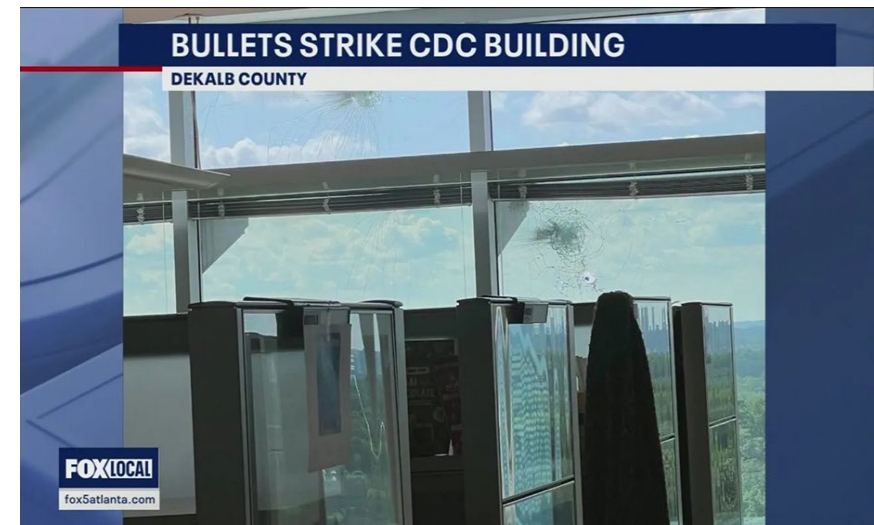
WPV includes, but is not limited to: The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury. An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.

- Workplace violence does not include lawful acts of self-defense or defense of others.

**Threat of violence** -means any verbal or written statement, including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

## Other important terms

- Homicide
- Assault
- Battery
- Psychological distress



# Regulations

Title 8 section 3342 Violence Prevention in Healthcare

Labor Code 6401.9 Workplace Violence Prevention Plans. Generally

Title 8 section 3203(a) Injury and Illness Prevention Program

**Note:** The final draft of the Title 8 section 3343 regulation work general industry will be submitted soon. This is to go into effect before December 31, 2026. <https://www.dir.ca.gov/dosh/doshreg/Workplace-Violence-in-General-Industry/>

# Exempt Employers

- Small employers (<10 EEs) with no public access
- Some correctional facilities
- Post Trained Law Enforcement
- Employees teleworking from a location not under the control of the employer

## **Apply**

IIPP

Log 300

Reporting Requirements

Emergency Action Plan

First Aid

# Determining which regulation is applicable

- Facility licensure?
  - Purpose of facility?
  - Employee professional licensure?
  - Employee scope of work?
  - Deployed from a licensed facility?
- 
- Field workers (Is the location under the control of the employer?)
  - Volunteers (not employees)

# High Risk Employers

- Retail Stores
- Grocery Stores
- Banks
- Jewelry Stores
- Fast Food Restaurants
- Government Buildings
- Schools
- Unlicensed Healthcare

## Higher Risk Employers

- Transportation
- Law Enforcement
- Corrections
- Group Homes
- Juvenile Detention Facilities
- Farm Labor Housing
- Veteran Housing Programs
- Transitional Housing for formerly incarcerated persons
- Homeless shelters
- Temporary or Permanent Supportive Housing

# Workplace Violence in Fast Food Restaurants



# Four Types of Violence Defined



- Type 1 means workplace violence committed by a person who has **no legitimate business at the worksite** and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
- Type 2 means workplace violence directed at **employees by customers, clients, patients, students, inmates, or visitors.**
- Type 3 means workplace violence against an **employee by a present or former employee, supervisor, or manager.**
- Type 4 means workplace violence committed in the workplace by a person who does not work there but has or is known to have had a **personal relationship with an employee.**

# Lawful Self Defense

- This is fact specific, but case law can be found penal and civil code cases. You should consult with an attorney to determine whether the criteria are met.
- Reasonable belief of harm
- Immediate need (future fears do not count)
- Proportional force
- Duty to retreat



# Mushroom Farm Active Shooter (2023)



# Model Program for General Industry

- Employee Access
- Responsibility
- EE Active Involvement
- Coordination with Other ERs
- Workplace Violence Reporting Procedures
- Employee Compliance
- Communication with Employees
- Emergency Response Procedures
- Training and Instruction
- Hazard Identification and Evaluation
- Periodic Inspections
- Workplace Violence Hazard Correction
- Procedures for Post Incident Response and Investigation
- Violent Incident Log
- Review and Revision of the WVPP
- Recordkeeping
- Access to Records

# Five Most Problematic Elements for Employers

- Hazard Identification
- Hazard Correction
- Workplace Violence Reporting Procedures
- Emergency Procedures
- Post Incident Procedures

# Initial Assessment and Evaluation of Risk Factors

## Higher Risk Work Environments

- Working alone
- Working at night and during early morning hours
- Availability of valued items or possessions
- Performing public safety or social welfare functions
- Working in government
- Working with clients, passengers, customers, or students known or suspected to have a history of violence; or
- Employees with a history of assaults or who have exhibited belligerent, intimidating, or threatening behavior to others

## Procedures

- Security Risk Assessment
- Personnel Assessment
- Engineering Controls
- Administrative Controls
- Work Practice Controls
- Environmental/Community Assessment
- Inspections (i.e. security breaches: tailgating, broken locks, etc)
- Screening procedures for visitors and vendors (ID, sign in, escort)

# Security Risk Assessment

## **Identify Assets-Examples**

- High value items (jewelry, money, pharmaceuticals)
- Processes
- Confidential Information
- People

## **Evaluate Graded Levels of Security**

- External threats outside in
- Internal threats inside out (outside out in may be necessary)

# Security Risk Assessment-Engineering Controls for Physical Security Examples

- Perimeter Fence
- Bollards
- Designated Parking Area (i.e. illumination)
- Walls & Locked Doors (i.e. blind corners)
- Barred windows (i.e. obstacles to egress)
- Plexiglass barriers
- Screening checkpoints (i.e. vehicles, bag searches)
- Traffic Patterns-restricting entry points for visitors or vendors
- Surveillance Cameras (i.e. maintaining lines of site)
- Intrusion Detection Devices (broken glass sensors, alarms, metal detectors, wands, infrared)
- Keys
- Access Codes (combination locks or biometrics)
- Key Card Reader



# Security Risk Assessment Administrative Controls

- Registration process
- Visitor or vendor log
- Policies for piggy backing/tailgating, information sharing
- Policies for termination, suspension, or revocation of access controls
- Policies screening customers, visitors, vendors, students, tenants
- Policies for harassment, bullying, and civil rights for protected characteristics
- Policies for unauthorized or suspicious persons
- Policies for self or peer reporting (i.e. EE w/restraining order against spouse)
- Progressive discipline policies
- Policies for weapons

## Tailgating vs. Piggybacking

### Tailgating

The attacker **follows somebody** with authorized access into a secure location **without their knowledge.**

### Piggybacking

The attacker is **purposely let into a restricted area** with the help of someone with authorized access.

# Work Practice Controls

The scope of work, facility layout, staffing, and work processes will dictate the necessary control measures

**Example:** A security guard is instructed to investigate a suspicious vehicle parked outside the perimeter fence. The guard exits the parking lot fence to go check on the vehicle. The guard gets assaulted by the driver when he asks the driver to vacate the premises.

**WP Controls**-walk the interior of the perimeter fence, institute procedures for maintaining a safe distance, notify someone at departure, and check in once surveillance is complete with a report. If driver escalates notify supervisor, call law enforcement to file a trespassing report

# Coordination with Other Employers

- Multi-Employer Worksites
  - Employer of impacted EEs records on violent incident log and provides a copy of the violent incident log the controlling employer
- Subcontracted Security
- Temporary Staff

# Emergency Procedures

- Roles and responsibilities of staff
- Evacuation
- Safe rooms-shelter in place procedures
- Barriers
- Communication-Notifications of the presence and location of the threat
- Obtaining assistance from law enforcement
- First aid and other forms of medical assistance
- Emergency treatment, psychiatric treatment



# Post Incident Procedures

- Post Incident Debrief
- Filing Workers Compensation forms
- Referral for Medical Evaluation and Treatment
- Referral for Counseling
- Conducting an Incident Investigation
- Reporting Serious Injuries, Death, or Hospitalizations
- Download Surveillance Video
- Temporary Restraining Orders (TRO)
- Review Security Plan
- Recordkeeping

# References

- Fed OSHA Guidance for Workplace Violence in Healthcare  
<https://www.osha.gov/healthcare/workplace-violence>
- Cal OSHA Workplace Violence in Healthcare Standard  
<https://www.dir.ca.gov/Title8/3342.html>
- Cal OSHA Labor Code for Workplace Violence in General Industry Standard  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=6401.9.&lawCode=LAB](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=6401.9.&lawCode=LAB)
- Other Guidance  
<https://www.dir.ca.gov/dosh/workplace-violence.html>

# Questions

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