

Prevention of Workplace Violence
2024



Prevention of Workplace Violence

Learning Objectives

I can:

- List the requirements of the Workplace Violence Prevention Act and Department of Labor regulations
- Define workplace violence and explain the different types
- Explain the key elements of MACs' workplace violence prevention policy and program
- Locate where our policy statement is posted and explain how to obtain a copy of our workplace violence program
- Identify workplace violence risk factors and prevention efforts
- Explain how to report incidents of workplace violence with MACS and with Department of Labor

Workplace Violence Prevention Act and NYS DOL Regulations

NYS Labor Law Section 27-b, known as the Workplace Violence Prevention Act, was enacted in 2006.

In 2009, NYS Department of Labor (DOL) implemented regulations to accompany the Workplace Violence Prevention Act. These regulations can be found at 12 NYCRR 800.6 and are enforced by the NYS DOL.

Workplace Violence Prevention Act and NYS DOL Regulations

The Act and NYS DOL regulations require public employers to develop and implement a Workplace Violence Prevention Program.

MACS will:

- Develop a workplace violence policy statement
- Perform a risk evaluation and determine workplace violence risk factors
- Develop a written workplace violence prevention program that:
 - Establishes and implements a workplace violence incidents reporting and recording system
 - Implements safeguards and control measures to protect employees from workplace violence
- Provide employees with information and training on workplace violence
- Perform an annual review of the workplace violence incident reports

Workplace Violence Prevention Act: Anti-Retaliation Protections

- MACS cannot take retaliatory action against any employee who exercises their rights under this law
- Retaliatory action is a discharge, suspension, demotion, penalization or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment

What is Workplace Violence?

Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of employment including, but not limited to:

1. Any verbal or physical attempt or threat to cause physical injury on an employee
2. Any intentional display of force giving an employee reason to fear or expect bodily harm
3. Intentional, wrongful, and nonconsensual physical contact that causes injury
4. Stalking an employee with the intent of causing fear of harm to their physical safety and health

Workplace Definition

NYS DOL regulations define a workplace as any permanent or temporary location outside an employee's home where an employee performs any work-related duty in the course of employment.

Some examples include:

- Central office
- Field trip location
- Out-of-office meeting or conference
- Sporting events
- School bus

Categories of Violence

Type 1: Violent acts by criminals, who have no other connection with the workplace, but enter to commit a robbery or another crime

Type 2: Violence directed at employees by customers, clients, patients, students, inmates, or any others for whom an organization provides services

Categories of Violence Continued

Type 3: Violence against coworkers, supervisors or managers by a current or former employee

Type 4: Violence committed in the workplace by someone who has a personal relationship with the employee, such as a boyfriend, girlfriend, spouse, or domestic partner

Why do we care about verbal and physical violence in the workplace?

- Employees have a right to a safe and secure workplace
- Workplace violence can impact employees' physical and mental well-being
- Workplace violence interferes with the mission of Mexico Academy and Central Schools

Workplace Violence Policy Statement

- The district must develop a written policy statement on our workplace violence prevention program that describes the goals, objectives, method for incident reporting, and how authorized employee representative(s) (AER) can participate in the workplace violence program.
- An AER could be a union representative, or an employee designated by the employees.
- The policy statement must be displayed where notices to employees are normally posted.

Workplace Violence Policy Statement

The key elements of our policy statement includes the Board Policy, results of the Records Examination, the Site Risk Assessment, Identified Risks, the Assessment of Policies and Procedures and a Training Outline

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Workplace Violence Policy Statement Location

- Our Workplace Violence Prevention Policy statement is posted on bulletin boards located in common areas of each building where employee notices are found.
- The policy statement is also posted on our website under the Human Resources Department.

Risk Evaluation and Determination

The workplace violence prevention act and the associated regulations require MACS to perform a risk evaluation to determine workplace violence risk factors. It must include:

- Records examination
- Assessment of relevant policies, work practices and work procedures that impact workplace violence
- Evaluation of the physical environment with the participation of authorized employee representative (s)

Risk Evaluation and Determination: Record Examination

The district must review workplace violence incidents that occurred in the previous year to identify patterns in the:

- Type and cause of injuries
- Specific areas within the workplace where incidents occur
- Specific workplace practices involved in incidents
- Specific individuals involved in incidents

Risk Evaluation and Determination

Evaluation of Physical Environment

MACS, with participation of the AER, must evaluate all workplace locations to determine what factors place employees at risk of workplace violence.

Factors may include but are not limited to:

- Contact with the public
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Uncontrolled public access to the work location

Workplace Violence Prevention Program

The workplace violence prevention act and NYS DOL regulations require the district to create a comprehensive written workplace violence prevention program (WVPP), with participation of the AER.

MACS will solicit input from the AER on situations in the workplace that pose a threat of workplace violence and on the program MACS intends to implement.

Workplace Violence Prevention Program

As required by the Act, our workplace violence prevention program includes:

- Risk factors identified in the risk evaluation
- Methods and means to prevent workplace violence and implemented safeguards addressing each identified risk factor
- Hierarchy of control measures which ranks safeguards from most effective to least effective
- Incident reporting system
- Employee training outline or lesson plan
- A plan to review workplace incidents once a year and update our program as needed

Workplace Violence Prevention Program

The Act and NYS DOL regulations do not require information obtained in complying with the law to be disclosed if it must be kept confidential for security reasons including the following:

- Interfere with law enforcement investigations or judicial proceedings
- Deprive a person of a right to a fair trial
- Identify a confidential source or disclose confidential information
- Reveal criminal investigative techniques or procedures
- Endanger the life or safety of any person

MACS' written Workplace Violence Prevention Program can be found on our website:

<https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mexicocsd.org%2FPage%2F1096&data=05%7C02%7CDRunner%40mexicocsd.org%7C02665ef354c8487f630008dc78dfc3af%7C8cd75d192a954999833692f5353fea8c%7C0%7C0%7C638518149721766814%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C4000%7C%7C%7C&sdata=bMOrVKEWy5Bkefujz8r26OYAOkmpuzpOyClVS4%2BQew%3D&reserved=0>

Workplace Violence Prevention Program

Workplace Violence Prevention Program: Methods to Address Specific Risk Factors

The Act and NYS DOL regulations require a method by which the district will address each specific risk identified in the workplace risk evaluation.

Workplace Violence Prevention Program: Hierarchy of Controls

NYS DOL regulations require our workplace violence prevention program to adhere to a hierarchy of controls measures or safeguards

- The hierarchy, ranked from most to least effective, is:
- Engineering controls
- Work practice controls
- Personal protective equipment

Workplace Violence Prevention Program: Incident Reporting System

The Act and NYS DOL regulations require MACS to design and implement a system for employee to report any workplace violence incidents that occur that includes:

- Recording process to file an incident report with MACS and recordkeeping process for incident report records to be maintained
- A process for employees to file complaints with the Department of Labor

Workplace Violence Prevention Program: Reporting Protocol

- For workplace locations where there is a developing pattern of incidents that involve criminal conduct or a serious injury, an employer must attempt to develop a protocol with the District Attorney or police to ensure that violent crimes committed against employees are promptly investigated and appropriately prosecuted. If a protocol exists, the employee training must include:
 - Information on the protocol
 - Contact information for employees that wish to file a criminal complaint after a workplace violence incident

Workplace Violence Prevention Program: Reporting Protocol

For incidents that involve criminal conduct or serious injury, Human Resources will assist you in filing a complaint with the police. To report the complaint directly you should call 911.

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

MACS must develop and maintain a workplace violence incident report, in any format, that records for each workplace violence incident the following information at minimum:

- Workplace location where incident occurred
- Time of day/shift when incident occurred
- Detailed description of the incident, including events leading up to the incident, and how the incident was resolved
- Names and titles of employee(s) involved
- Name or other identifier of others involved
- Nature and extent of injuries arising from the incident
- Names of witnesses

Workplace Violence Prevention Program: Reporting of Workplace Violence Incidents

The MACS' Incident Report Form can be found *on our website at:*

<https://nam11.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.mexicocsd.org%2FPage%2F1096&data=05%7C02%7CDRunner%40mexicocsd.org%7C02665ef354c8487f630008dc78dfc3af%7C8cd75d192a954999833692f5353fea8c%7C0%7C0%7C638518149721766814%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C4000%7C%7C%7C&sdata=bMO rVKEWy5Bkefujz8r26OYAOkkmpuzpOyCIVS4%2BQew%3D&reserved=0>

Workplace Violence Prevention Program: Reporting and Protecting Privacy

- For incidents where privacy is a concern, the report will replace the employee's name with "PRIVACY CONCERN CASE". The following incidents are to be treated as privacy concern cases:
 - An injury or illness to an intimate body part or the reproductive system
 - An injury or illness resulting from a sexual assault
 - Mental illness
 - HIV infection
 - Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material
 - Other injuries or illnesses if the employee independently and voluntarily requests their name not be entered on the report

**Workplace Violence Prevention Program:
Recordkeeping of Workplace
Violence Incidents**

- The workplace violence incident reports must be maintained and reviewed once a year.
- MACS, with participation from the AER, must conduct a review of the workplace violence incidents report at least once a year to identify trends in the types of workplace violence incidents that have occurred and evaluate how effective actions and safeguards to reduce workplace violence have been.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

- According to the Act and NYS DOL regulations, an employee or their AER should notify a supervisor in writing if they believe that:
 - A serious violation of the employer's workplace violence prevention program exists or
 - An imminent danger of workplace violence exists
- Once their supervisor is notified, MACS must be given a reasonable amount of time to correct the activity, policy, or practice causing the violation or danger

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

- However, an employee or their AER does **not** have to notify their supervisor in writing in instances where:
 - Imminent danger of workplace violence exists **and**
 - The employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

An imminent danger is defined by the Act and NYS DOL regulations as:

- Any workplace conditions or practices which could reasonably be expected to cause death or serious physical harm immediately or which could reasonably be expected to lead to the danger of death or serious physical harm which could be eliminated through the enforcement procedures of the workplace violence prevention program before the danger become immediate.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

A supervisor is defined by the Act and NYS DOL regulations as:

- Any person in an employer's organization who has the authority to direct and control the work performance of an employee, or
- Any person who has the authority to take corrective action regarding the violation of a law, rule, or regulation that an employee reported

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

- After notifying the employee's supervisor and:
- A reasonable time to correct the matter has passed
- The matter has not been resolved
- The employee or their AER believes the serious violation or imminent danger still exists

The employee or their AER may request an inspection by contacting the New York State Department of Labor (NYSDOL)

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

The notices to the NYSDOL Commissioner must:

- Be in writing
 - Describe in detail the reason for the notice
 - Must be signed by the employee or their AER
-
- The NYSDOL Commissioner will provide a copy of the written notice to Mexico Academy and Central Schools no later than the time of inspection.
 - The employee or AER may request that their name(s) be withheld from the MACS' copy

Workplace Violence Prevention Program:
Employee Reporting of Concerns
or Incidents

Employees can report violations to the Public Employee Safety and Health (PESH) bureau at the Department of Labor's Division of Safety and Health directly using the complaint form linked here:
<https://dol.ny.gov/system/files/documents/2023/09/pesh7.pdf> or by calling 1-844-SAFE-NYS.

Workplace Violence Prevention Program: Employee Reporting of Concerns or Incidents

The DOL inspection:

- Will take place at the workplace location where the alleged violation occurred
- Does not have to be limited to the alleged violation
- May include other areas of the location if there is reason to believe that a serious violation exists
- May include other workplace locations of MACS if there is reason to believe that a serious violation exists

Workplace Violence Prevention Program: Employee Information and Training

The NYS DOL regulations require a written outline or lesson plan for employee training on workplace violence to be included in the written workplace violence prevention program.



Workplace Violence Prevention Program: Employee Information and Training

The Act and NYS DOL regulations require the district to provide each employee with information and training on the risks of workplace violence in their workplace locations

Training must occur:

- At the time of the employee's initial assignment
- At least once a year after that
- Whenever significant changes have been made to the MACS' workplace violence prevention program

Workplace Violence Prevention Program: Employee Information and Training

At a minimum, the training must include:

- The requirements of the Workplace Violence Prevention Regulations
- The risk factors identified in the risk evaluation (with the exception of information kept confidential for security reasons)
- Measures that employees can take to protect themselves from workplace violence
- Specific procedures implemented to protect employees such as:
 - Incident alert and notification procedures
 - Appropriate work practices
 - Emergency procedures
 - Use of security alarms and other devices
- The location of the written workplace violence program

Workplace Violence Prevention Program: Annual Program Review and Update

The district will create a sub-committee of the Safety Committee to review the Workplace Violence Plan each year.

Workplace Violence Prevention Resources

- Our workplace violence website provides additional information including FAQs and a fact sheet for employees. It is available here: <https://dol.ny.gov/workplace-violence-prevention-information>
- Employees can also contact the PESH bureau to ask questions about violations by calling the PESH bureau's toll-free number at: 1-844-SAFE-NYS.

Workplace Violence Prevention Resources

- NYS DOL Safety and Health Website
- PEF Health and Safety Website [education-health-and-](#)
- CSEA Occupational Safety and Health Website
- NYSUT
- BOCES
- OSHA
- NIOSH
- FBI

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Prevention of Workplace Violence

Thank You!

A background image showing a group of hands stacked together in a circle, symbolizing teamwork and support. The image is overlaid with a semi-transparent orange filter.