

OSHA Issues Workplace Violence Guidance

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On September 8, 2011, the federal Occupational Safety and Health Administration (“OSHA”) issued a directive establishing procedures for OSHA inspectors to follow when investigating workplace violence incidents. The “Enforcement Procedures for Investigating or Inspecting Incidents of Workplace Violence” highlights the steps that investigators should take in reviewing incidents of workplace violence when considering whether to initiate an inspection in industries that OSHA has identified as susceptible to this hazard.

The guidance identifies industries that OSHA considers high risk for workplace violence. Those industries include health care and social service settings and late night retail establishments. Although OSHA does not have enforcement authority specific to workplace violence risks, OSHA can issue citations to employers for violations of the “General Duty Clause” of the Occupational Safety and Health Act, which requires employers to keep their employees safe from “recognized hazards.” With that in mind, employers in high risk industries, those with a history of workplace violence, or those with known threats of violence in the workplace should pay careful attention to this new OSHA directive.

The OSHA directive contains instructions for OSHA inspectors examining workplaces. It also contains recommendations for employers. General recommendations for all employers, regardless of industry or risk factors, are:

- Conduct a workplace violence hazard analysis (this includes analyzing vehicles used to transport clients)
- Assess any plans for new construction or physical changes to the facility or workplace to eliminate or reduce security hazards
- Provide employees with training on workplace violence

- Implement engineering controls, such as installing and regularly maintaining alarm systems and other security devices, panic buttons, hand-held alarms or noise devices, cellular phones and private channel radios, where risk is apparent or may be anticipated
- Implement administrative controls, such as changing work practices and management policies in order to reduce exposure to hazards, including establishing liaisons with local police and state prosecutors, reporting all incidents of violence, and giving police physical layouts of facilities to expedite investigations
- Develop a written, comprehensive workplace violence prevention program

All employers should consider implementing these recommendations, regardless of whether they are in a high risk industry. Employers in high risk industries should consider more significant measures to assess and mitigate workplace violence risks because this is an area of emphasis for OSHA in future inspections.