

Legislative and Bargaining Strategies to Reduce Workplace Violence

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A Union of Professionals

**AFT Nurses and
Health Professionals** 



Workplace Violence in Healthcare

Bad and getting worse:

Healthcare and social service workers were twice as likely to be assaulted as workers in all other occupations in 2014.

Workplace violence injury rates have increased by 64% between 2005 and 2014

- 110% in private sector hospitals
- 102% in private psychiatric hospitals



9 States with Comprehensive Workplace Violence Prevention Laws for Healthcare Employers

California (Standard)

Connecticut

Illinois

Maine

Maryland

New Jersey

New York (Standard)

Oregon

Washington



New York Standard, passed in 2006

Enforced by the Public Employee Safety and Health (PESH), the state OSHA plan.

Private sector workers are not covered.



AFT NHP States that have an OSHA “Plan”

Alaska

Connecticut*

Maryland

New Jersey*

New York*

Oregon

Vermont

Washington



*public sector workers only

Critical Components for Workplace Violence Prevention

For laws or standards AND for bargaining



Critical Components—WPV Law, Standard or Contract Language

1. Definition of WPV
2. A Joint WPV Committee
3. Regularity and Specificity of Assessment
4. Recordkeeping
5. Training
6. Incident Response Protocol & Assistance to Victims
7. ENFORCEMENT

1. Workplace Violence Definition

NIOSH defines workplace violence as violent acts **including physical assaults and threats of assaults** directed toward persons at work or on duty.



2. Joint Labor-Management Committee

What makes a joint committee effective?



What do you need?

- Equal representation
- Union appoints their own reps
- Co-chairing or rotating chairing
- The right to add issues to the agenda
- Rotating minutes or jointly reviewing and approving the minutes
- Meetings scheduled regularly, in advance
- Release time for participants
- Accountability

What do you mean by accountability?

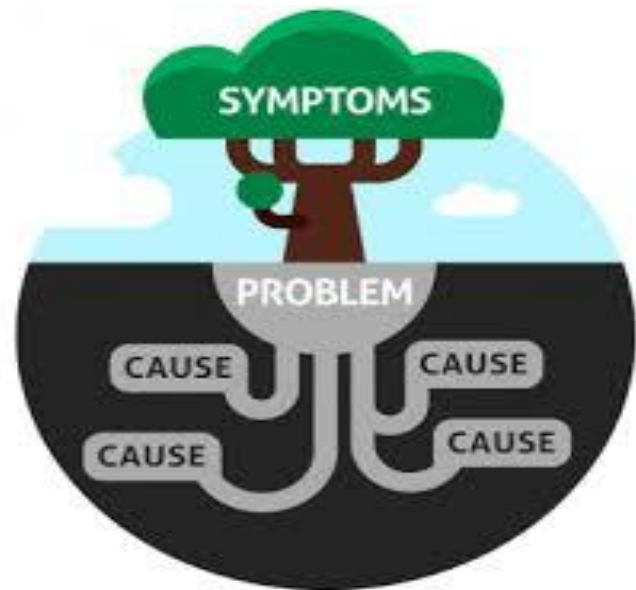
The legislative or contract language should make clear that the committee is responsible for

- DEVELOPING the prevention plan
- IMPLEMENTING the plan
- EVALUATING the plan
- And REVISING the plan.

But management is ultimately responsible for having an operating WPV prevention plan.

What are the Committee's Duties?

1. Developing a reporting system
2. Conducting a baseline assessment
3. Conducting root cause analysis



Committee Duties

4. Implementing controls (solutions)
5. Developing/improving the training program
6. Implementing the incident response system



3. Regularity and Specificity of Assessment

- Should require a *written* plan.
- Should require a review of the records and the physical plant.
- The kinds of records to be assessed should be specified (*“including, but not limited to”*).
- Re-assessment must be required on a periodic basis—at least annually—maybe also when major incidents occur.
- Can also require review of work policies and procedures.

4. Recordkeeping

The law should specify what kind and how long records must be kept, such as 5 years.

- Incident reports
- OSHA logs
- Workers' comp records
- Medical & police reports
- Committee minutes
- Union grievances
- Training records
- Employee questionnaires

Creation of an incident reporting system

The incident report form should capture:

- Location of the incident
- Time of day & shift
- A detailed description, including events leading up to the event & how it ended
- Names & job titles of all involved employees*
- Name or identifier of the perpetrator(s)
- Witnesses
- Nature & extent of the injuries

5. Training Requirements

WHEN: Within 30 days of hire and annually thereafter. And upon request.

WHO: Training for is everyone—but additional training for those in high-risk areas.

AND: Must be interactive, with opportunities to ask questions and practice skills—not just a computer module.

Training Requirements

What:

- Training on the facility's policies
- The critical need to report all incidents
- How to recognize risk and escalating behavior
- De-escalation skills
- Personal safety skills
- Physical holds and restraints
- Location and operation of devices
- Resources for victims—how to obtain assistance and report to the police.

6. Post-Incident Response

A response protocol should be included in the written program. It should include:

- A plan for prompt medical care
- Counseling for victims and witnesses
- Information and support on how to press charges

7. Enforcement

Designation of which state agency is going to enforce the law or standard and what enforcement powers they have.

- Inspection and citation
- Employers must file their written program and make regular reports, such as annually
- Whistleblower protection for those who make complaints
- Monetary penalties