



December 13, 2018

Kevin Graulich
Senior Safety Engineer
Department of Industrial Relations
CalOSHA

Via email: KGraulich@dir.ca.gov

Mr. Graulich;

In response to an announcement from your office dated October 24, 2018, we are providing our written comments as input for the revised discussion draft for workplace violence prevention in general industry.

Allow me to share a little of our background and the credentials of the Workplace Guardians, Inc. team who have contributed to this document.

WHO WE ARE

Workplace Guardians, Inc. (WGI) is a consulting and training firm whose core competency is workplace violence prevention and intervention. Our team of professionals have deep backgrounds as senior law enforcement professionals or as licensed mental health practitioners, and all have specific and lengthy experience in violence prevention and threat assessment.

(<https://www.workplaceguardians.com/team-of-seasoned-professionals>)

OUR APPROACH AND OUR TEAM

Workplace violence prevention is our core competency, and it is our passion. Our team works collaboratively to support organizations' executives, human resources and security personnel, and internal or outside legal counsel.

A partial list of our expert services includes:

- Consulting on policy creation and establishing procedures
- Delivering an array of workplace violence prevention training programs for:
 - Employee
 - Managers
 - Executives
 - Creating Threat Assessment Teams
 - Human Resources
 - Security Teams

- As well as a number of training programs for personal safety in the field, safety for mental health professionals, crisis communications and de-escalation skills
- Threat Assessment and Intervention Services

The attached contributions to the revised discussion draft come from two of our team, Suzanne Hoffman, Ph.D. (<https://www.workplaceguardians.com/suzanne-hoffman>), and Mr. Wayne Maxey, CPP, CTM (<https://www.workplaceguardians.com/wayne-maxey-executive-consultant>). Both Dr. Hoffman and Mr. Maxey have worked in the field of workplace violence prevention for over 18 years. Of particular note is that Mr. Maxey was in the first group of professionals to achieve the CTM (Certified Threat Manager) designation from the international group Association of Threat Assessment Professionals (ATAP).

In closing, please keep Dr. Hoffman and Mr. Maxey in mind for any future discussion or input on this important initiative. We would be proud to volunteer our participation for your work.

Regards,

Jaimee Pittman, via email

Jaimee Pittman
President, CEO
Workplace Guardians, Inc.
760-710-0273
760-213-6126 direct

Input to CalOSHA on Workplace Violence Prevention in the General Industry

Thank you for the opportunity to provide input to the proposed Workplace Violence Prevention in General Industry regulation, California Code of Regulations, Title 8, Section 3343.

As practitioners who consult with private and public organizations on the prevention of workplace violence, we would like to offer the following:

1. The American National Standard on Workplace Violence Prevention and Intervention (WVPI.1-2011) was published in 2011 by the American Society of Industrial Security International (ASIS) and the Society for Human Resources Management (SHRM). This document provides organizations with guidelines on how to establish workplace violence prevention and intervention programs. The standard is commonly accepted as “best practices” for these endeavors. A copy of the standard is attached to this e-mail.

Suggestion:

On page 2 of 6 (Draft revisions dated 10/24/18) Code 3343 (b) Definitions. “Workplace Violence,” consider adding as sub section (C) “Conduct that generates a concern for safety from violence due to its nature and severity. Examples include, but are not limited to, stalking; erratic and bizarre behavior caused, for instance by mental illness or substance abuse; overt physical intimidation and aggression; and suicidal statements from an employee who appears despondent.”¹ The current section (C) “Four workplace violence types,” then becomes section (D).

We find that most organizations do not have a provision of this “other conduct,” and it can be challenged whether the conduct is applicable to the organization’s workplace violence prevention policy. Additionally, under the current draft revisions, the definition of “Threat of Violence” (Page 1), does include the word “conduct.” By making the above revision on Page 2, there would be consistency and clarity for what is and is not covered under the definition of workplace violence.

¹ *American National Standard on Workplace Violence Prevention and Intervention (WVPI.1-2011)*. ASIS International and Society for Human Resources Management. 2011. Pg. 5.

2. The use of threat assessment and threat management teams.

A workplace violence program should include an interdisciplinary (also commonly referred to as multidisciplinary) team created and trained to respond to violent incidents or reports of troubling behavior made under the workplace violence prevention policy.²

Several states (Virginia after the Virginia Tech shooting case in 2007, and Florida after the Parkland School shooting case in 2018, and others) have mandated the establishment, training and use of threat assessment and threat management teams (TAT/TMT) in educational settings.

Currently, in the U.S. House of Representatives, HR 6664, Threat Assessment, Prevention, and Safety Act of 2018, has been proposed to establish a national task force to provide recommendations on the development and implementation of a national strategy for preventing targeted violence through establishing threat assessment and management guidelines, practices, and standards.

As practitioners, we help organizations establish, train and implement threat assessment and threat management teams. We know this approach is effective in identifying, assessing, and managing troubling situations, and the prevention of targeted violence.

Suggestion:

On Page 3 of 6 (Draft revisions dated 10/24/18) Code 3343 (c) Workplace Prevention Plan Section (6)(B). Consider inserting (A) “Threat Assessment and Threat Management Teams (TAT/TMT) – The employer shall* establish, implement and maintain a threat assessment and threat management team. (B) The TAT/TMT will establish, implement and maintain an Incident Management Process in which to accept, investigate, manage and resolve reports of workplace violence. The process may address:³

1. The personnel who will receive reports made under the workplace violence prevention policy and to whom those reports will be escalated.
2. The personnel who will conduct an initial data gathering.

² *ibid.* Pg. 15.

³ *Ibid.* Pgs. 16, 17.

* The American National Standard says on Page 15 “... should include an interdisciplinary team” but does not reference for what size company this is an appropriate stipulation. In our opinion it is not practical to require a small company to have a group of specially trained employees devoted to conducting threat assessments. CalOSHA should consider additional discussion of this point in order to determine for what size company (number of employees) it is appropriate to require a dedicated Threat Assessment Team.

3. Circumstances in which reports will be escalated and handled exclusively by the TAT/TMT, as opposed to the organization's human resources or employee relations organization under non-workplace violence protocols.
4. The initial actions that the TAT/TMT will consider taking upon receiving a report.
5. Protocols for coordinating reports made under the workplace prevention policy with related policies or processes within the organization (such as complaints coming through an ethics hotline).
6. Circumstances in which additional investigatory steps will be taken, the investigatory steps that will be considered, and the personnel who will conduct the investigation.
7. The circumstances in which the TAT/TMT will engage outside experts, including legal counsel and violence risk assessment experts, to assist with incident management.
8. The circumstances in which the TAT/TMT will engage outside law enforcement.
9. The protocols the TAT/TMT will generally follow in addressing a workplace threat, including threats arising from incident intimate partner violence.
10. The options the TAT/TMT will generally consider in addressing and resolving an incident made under the workplace violence prevention policy.
11. The steps the TAT/TMT will take to monitor an incident it has addressed and resolved.
12. The steps the TAT/TMT will take to adequately document a report or incident and its resolution.

3. Training

Suggestion:

Consider requiring annual training of the workplace violence prevention plan.

Consider the following items for inclusion on Page 5 of 6 (Draft revisions dated 10/24/18) Code 3343 (e) Training.

Workplace Violence Training for Employees must include (at a minimum):

1. Basic facts about Workplace violence, including a general overview of the behavioral or psychological aspects of workplace violence, and risk factors that may be specific to that work environment.

2. The specific terms of the organization's workplace violence prevention policy and related employee conduct policies, and the employees' rights and obligations under those policies.
3. Identifying problem behaviors that should be reported.
4. Identifying to whom, and via what procedures, reports about concerning behavior should be made.
5. Basic facts about domestic violence in the workplace and its potential impact on workplace safety.
6. A review of internal and external resources, including EAP.

Workplace Violence Training for Managers and Supervisors must include (at a minimum):

1. Basic facts about Workplace violence, including a general overview of the behavioral or psychological aspects of workplace violence, and risk factors that may be specific to that work environment.
2. The specific terms of the organization's workplace violence prevention policy and related employee conduct policies, and the employees' rights and obligations under those policies.
3. Identifying problem behaviors that should be reported.
4. Identifying to whom, and in what format, reports about concerning behavior should be made.
5. Basic facts about domestic violence in the workplace and its potential impact on workplace safety.
6. A review of internal and external resources, including EAP.
7. Detecting behaviors of concern and the importance of early intervention.
8. How to properly escalate a report under the organization's workplace violence prevention policy.
9. Basic conflict and employee behavior management skills.