



California School Employees Association

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July 14, 2022

Via Email to kgraulich@dir.ca.gov

Dave Thomas, Board Chair
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833

Re: Proposed Update to California's Workplace Violence Prevention in All Industries Standard

Dear Chairman Thomas,

On behalf of the California School Employees Association, AFL-CIO, we write regarding the proposed revisions to California's "all industries" Workplace Violence Prevention Standard. Right now, as drafted, the "all industries" standard is lacking any substantive requirement that an employer take reasonable actions to prevent employees from suffering injuries as a result of violence. We believe that the draft could be greatly improved by mirroring provisions that already exist in the "Violence Prevention in Health Care" regulation—which is rightly considered the gold standard for adequately protecting employees from the hazards of workplace violence.

Although we understand that there is some difficulty in drafting a standard that applies broadly across all industries, the healthcare standard is significantly more prescriptive when it comes to requiring meaningful employer action. For example, section (c)(11) requires that employers "shall" use engineering and workplace practice controls to protect employees from imminent hazards immediately, or as soon as feasible within a specified timeframe. Where an identified corrective measure cannot be implemented in time, the employer must take interim measures to abate any hazards or risks to employees. The standard also specifically enumerates corrective measures that will undoubtedly save lives in the event of a crisis. For example, proposed corrective measures include the following: adequate staffing and training, the presence of effective means of communication, the reconfiguration of facilities to reduce unwanted access, creation of a security plan for weapons in a facility, the installation and implementation of alarm systems, and the creation of a means to notify employees of a specific location of a security threat. We believe that these engineering and workplace practice controls are broadly applicable to all workplaces—including California's schools. As such, the Board should mirror such practices in the "all industries" standard to the fullest extent possible.

Within the school setting, some hazards from violence can be readily reduced through the introduction of safety equipment, which would be subject to the robust corrective measures scheme in the healthcare standard. For example, many of our members would benefit from being issued panic buttons, or some other means by which they can immediately contact someone for help when being assaulted. Likewise, protective equipment should always be considered, such as providing school staff with bite-proof shirts when assigned to work with those disabled students who regularly bite others. Given the unique nature of schools, the Board may wish to consider a sub-section that specifically contemplates workplace violence in a school setting. Schools are atypical

Our mission: To improve the lives of our members, students and community.

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from most workplaces in that they potentially could host staff, faculty, students, parents, and law enforcement all at the same time.

The healthcare standard also requires the establishment and implementation of a system to review the workplace violence prevention plan in conjunction with employees and their representatives “at least annually.” Notably, the proposed “all industries” standard only requires review “periodically” or after the occurrence of violent incident—all without requiring coordinated efforts with employees. We believe strongly that our members have invaluable insight into their workplaces and how to make them safe. As such, any standard must solicit employee or designated representative feedback on at least an annual basis. A standard that requires review only after a violent incident has occurred is frankly “too little too late.” For a plan to effectively prevent violence, it needs to be treated seriously and with urgency. This necessarily includes regular review of its adequacy.

For these reasons, we strongly encourage you to take the applicable and meaningful portions of the healthcare standard and incorporate them into a new “all industries” version. Thank you for the opportunity to comment on this proposal.

Sincerely,

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION



Chris Masami Myers
Assistant Director

CMM:ct

cc: Jeff Killip, Chief, CalOSHA, Division of Occupational Safety and Health
Christina Shupe, Executive Officer, Occupational Safety and Health Standards Board
David Schapira, Director, CSEA Governmental Relations