

July 18, 2022

Kevin Graulich, Senior Safety Engineer
California Department of Industrial Relations
Division of Occupational Safety and Health
Research and Standards Occupational Health Unit
VIA EMAIL: kgraulich@dir.ca.gov

**RE: Workplace Violence Prevention in All Industries Standard Proposal (as released
May 17th, 2022)**

Dear Mr. Graulich,

The California Teachers Association (CTA) writes to comment on the draft Cal/OSHA Workplace Violence Prevention in All Industries Standard Proposal, as released May 17th, 2022. CTA appreciates the efforts made with this draft to establish a general industry regulation specific to workplace violence.

Workplace violence is something that has plagued our society. Efforts to enhance and ensure the protection of workers and the safety of students and families are crucial for the safety of everyone.


While this draft would establish a general industry regulation specific to workplace violence, the proposal remains far from what is needed to adequately protect workers from this epidemic of on-the-job attacks and threats. CTA urges the Division of Occupational Safety and Health (Cal/OSHA) to prepare a new version that much more closely reflects the existing healthcare workplace violence prevention standard, Title 8 § 3342.

CTA would also request the Cal/OSHA to explore how the standard would apply in educational settings where there is a confluence of employees, minors and the public interacting in ways that is not the norm for most industries. This would include childcare, preschool, transitional kindergarten-12, higher education, and residential schools with specific student populations.

CTA has compiled the attached recommendations and examples to share with the Cal/OSHA. We look forward to working with the Cal/OSHA to adopt a comprehensive workplace violence prevention standard that will help us meet our goal of providing a safe environment for our students, educators, and the public.

For further information and continued collaboration on this important work, please contact CTA Legislative Advocate Efrain Mercado (emercado@cta.org) and CTA Manager of Legislative Relations Lori Easterling (leasterling@cta.org).

Sincerely,



E. Toby Boyd, President
California Teachers Association

CC: David B. Goldberg, Vice President
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Teri Holoman, Associate Executive Director – Governmental Relations
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<https://calta.sharepoint.com/sites/gr/Cloud%20Storage/Legislative%20Relations/Efrain%20Mercado/2022%20Letters/CTA%20Letter%20on%20CALOSHA%20WVP%20Standard%20Final%207.18.22.docx>

Attachment – CTA CalOSHA WVP Standard Draft Recommendations Final 7.18.22

California Teachers Association Comments and Recommendation to the Cal/OSHA Workplace Violence Prevention in All Industries Standard Draft Recommendations (as released May 17, 2022)

Cal/OSHA [Draft](#) Workplace Violence Prevention in All Industries Standard Recommendations

§3343. (C)(2): Workplace Prevention Plan

Recommend adding language regarding early identification of potential workplace violence threats and preemptive corrective action to assist in workplace violence prevention.

One example of this could be to recognize violence or threats that are conveyed via social media. There are many examples of harassment or threats occurring online initially.

§3343. (B)(3)(c)(2): Workplace Prevention Plan

Should be mindful of how this may be interpreted by school staff (certificated and classified) working with children who may exhibit violent behaviors (using the definition in 3343(b)(3)(A)) due to an existing disability or who may have not yet been identified as required by the Individuals with Disabilities Education Act.

§3343. (c)(2): Workplace Prevention Plan

The draft standard includes language around worker and authorized representative involvement in the development and implementation of the Plan, workplace inspections, investigation of workplace incidents, and the development of training. However, the standard does not mention worker involvement in de-escalation training and designing mechanisms for reporting, an anonymous early reporting system, and a specific system for reporting incidents.

In high-risk work settings, such as schools and institutions of higher education, Cal/OSHA should require employers to develop a workplace violence prevention committee. The committee must be representative of a variety of departments, units, job classifications, and shifts. Staff participation on the committee must be paid at the regular rate of pay.

Recommend that specific, minimum timelines for responding to a report of workplace violence in 3343(c),4 and (c)(6)(B).

§3343. (c)(6): Procedures to communicate with employees regarding workplace violence matters

The proposed standard should include a communication system for staff to communicate to other educators (between shifts and departments), including the school transportation system, information regarding conditions that may increase the potential for workplace violence incidents like students that have been violent or disruptive.

Procedures for emergency response should be communicated to all staff, including procedures for threats of mass casualties and procedures for incidents involving a firearm or a dangerous weapon.

Recommend that the standard specifically call out that bargaining representatives have the right to meet with management on safety issues.

Questions for Cal/OSHA

How will near-misses be reported?

§3343. (c)(6)(A): How an employee can report a violent incident, threat, or other workplace violence concern without fear of reprisal.

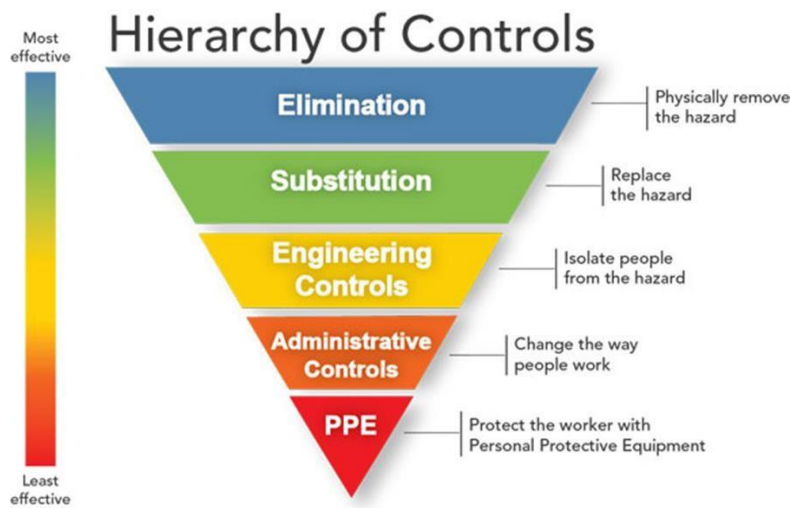
Near-misses were not listed in the section above or anywhere in the draft. They should be included in the draft. A near miss is when a potential hazard or incident occurs in which no property was damaged, and no personal injury was sustained, but where, given the slight shift in time or position, damage or injury easily could have occurred.

§3343. (c)(9): Procedures to identify workplace violence hazards, including scheduled periodic inspections to identify unsafe conditions and work practices; and procedures to evaluate workplace violence hazards identified through periodic inspections, employee concerns, workplace violence incidents, and whenever the employer is made aware of a new or previously unrecognized hazard

Conducting workplace inspections is crucial in identifying hazards. In addition to workplace inspections, Cal/OSHA should require a school climate assessment in educational settings. Research suggests that a positive school climate can lead to a significant decrease in the likelihood of crime, aggression, and violent behavior. By focusing on prevention, districts can conduct school climate surveys, consider incorporating social and emotional learning (SEL), and provide access to support and treatment programs in the community or with professionals.

§3343. (c)(10): Procedures to correct workplace violence hazards in a timely manner in accordance with [title 8, section 3203\(a\)\(6\)](#)

Once a hazard is identified the next step is to mitigate the hazard by implementing [the hierarchy of controls](#) in the workplace. The hierarchy of controls is the core industrial hygiene principle for hazard prevention. The image below illustrates the hierarchy of controls. The concept behind the hierarchy of controls is that the most effective control measures are toward the top of the inverted triangle. In many scenarios, implementing elimination and substitution controls are not always possible. Therefore, employers should defer to the next most effective control and ensure to exhaust all engineering controls, administrative (work practice) controls, and personal protective equipment (PPE) options in efforts to control the hazard.



The [Cal/OSHA workplace violence standard in healthcare](#), and the federal [OSHA enforcement document for workplace violence](#) identify controls that employers can implement in the workplace, such as panic alarms and school design. The draft standard for the general industry should provide a list of controls that are suitable for educational settings, while making it clear that controls should not undermine culturally competent, trauma-informed education or rely on “hardening” approaches that increase the presence of armed people in schools or behavioral threat assessments. Proposals to ‘harden’ public K–12 schools overlook clear evidence that these approaches fail to reduce gunfire incidents.¹ School security staffing has steadily increased, providing further evidence that ‘hardening’ policies do not have the intended effect of keeping students and educators safe from gun violence. Another administrative control that does not work in educational settings is the archaic and ineffective zero-tolerance policy on students. Cal/OSHA should recommend solutions that work, like hiring more counselors, social workers, and educators to adequately staff public schools and provide students with the support and services they need.

¹ The National Education Association (NEA). ‘Hardening’ Schools Doesn’t Work. Accessed June 20, 2022. Retrieved from: [‘Hardening’ Schools Doesn’t Work | NEA](#)

Table 1 provides a list of possible controls for educational settings, although it is not an exhaustive list. Similar to the [Federal OSHA guidance](#) for workplace violence in healthcare, the general industry standard should also provide employers with an outline of procedures to effectively select and implement controls. The [Federal OSHA guidance](#) for workplace violence in healthcare recommends employers to:

- (1) Identify and evaluate control options for workplace hazards.
- (2) Select effective and feasible controls to eliminate or reduce hazards.
- (3) Implement these controls in the workplace.
- (4) Follow up to confirm that these controls are being used and maintained properly; and
- (5) Evaluate the effectiveness of controls and improve, expand, or update them as needed.

Table 1. Possible Controls in Educational Settings.

Engineering Controls	Administrative (Work Practice) Controls
<ol style="list-style-type: none"> 1. Providing panic alert button devices worn by staff. 2. Installing Nightlocks on classroom doors. <div data-bbox="313 1010 464 1163" data-label="Image"> </div> 3. Installing bright, effective lighting- both indoors and outdoors on the grounds, in parking areas, and in walkways. 4. Installing curved mirrors that allow staff to see blind spot areas. <div data-bbox="298 1339 479 1465" data-label="Image"> </div> 5. Locking all unused doors to limit access, in accordance with local fire codes. 6. Rearrange school design and ensuring an adequate number of exits routes. 7. Reduce number of entrances by having a limited amount of main monitored entrances (access control). 	<ol style="list-style-type: none"> 1. Implementing restorative justice and trauma-sensitive practices. 2. Establishing a system to flag and notify appropriate staff which students have been violent or disruptive. 3. Setting a nondiscriminatory disciplinary code. 4. Hiring more SISPs, social workers, nurses, and mental health professionals. 5. Training staff in restorative justice, de-escalation tactics, cultural competency, crisis intervention, and providing anti-bias training 6. Increasing staff and creating smaller classroom sizes. 7. Training students and staff on recognizing behaviors that might lead to violence or escalating conflict, reviewing their roles and responsibilities in violence prevention, and reinforcing methods to report information in a timely and effective manner. 8. Procedures to respond when someone enters the building with a weapon. 9. Mandatory visitor sign-in and visible visitors name badge.

§3343. (c)(11): Procedures for post-incident response and investigation

Cal/OSHA needs to define what employers are required to do in the post-incident response and investigation period. For example, the agency should require workplace violence programs to provide comprehensive treatment for workers who are victimized personally or may be traumatized by witnessing workplace violence incidents. Injured staff should receive prompt treatment and psychological evaluation at no cost to staff whenever a violent incident takes place, regardless of its severity. Also, injured staff should be provided with transportation to medical care if not available on site. Employers should be required to conduct a post-incident debriefing as soon as possible after the incident with all staff, supervisors, and security involved in the incident.

The post-incident investigation should also include procedures to review whether the appropriate controls were effectively implemented or if there is a need for more. The proposed standard should require employers to solicit input from workers, their representatives, and supervisors in their root cause analysis, investigating the cause of the incident, risk, or hazard, and whether further corrective measures could have prevented the incident, risk, or hazard. Track any changes that may have been implemented after the incident investigation, whether in policy, staffing, or school design.

Consider referencing counseling/mental health services/etc. in this section.

§3343. (c)(12): Procedures to Review

Recommend creation of committee, including authorized employee representatives, to review effectiveness of plan on a defined regular basis ("annually," "bi-annually," "quarterly," etc), and revise the plan as needed.

§3343. (d): Violent Incident Log

The violent incident logs require details that would help track and identify patterns of violence. Classification of the person who committed the violence should be recorded, for example, whether it was a student, family member, or employee; and if a student, specify their age range or grade level. In addition, Cal/OSHA should require in the description of the incident section details on the events leading up to the incident, and how the incident ended. Lastly, regarding the consequences of the incident, the agency should require information regarding the nature and extent of injuries arising from the incident.

Questions for OSHA

In a school context, where minors may be involved, some reference to parental notification should be included, and some mention of how/when/if parents have access to logs tracking the incidence of violence in the school.

§3343. (e)(1): Training

It is vital to provide workplace violence training to all staff, including temporary and contracted staff. Staff should receive training at the time of initial assignment (newly hired) or when assigned to perform new duties that were not previously covered. Similar to the [Cal/OSHA's bloodborne pathogen standard](#), workplace violence training should be provided annually. Educators need frequent training because they work in high-risk sectors. The [Federal OSHA guidance](#) for workplace violence in healthcare settings recommends employers conduct training annually.

To improve the training language in the proposed standard, Cal/OSHA should include essential training topics, such as

- how to recognize the potential for violence,
- identification of escalating behavior, and de-escalating techniques,
- the violence hazards identified in the facility and in each department, and
- post-incident protocols, such as provisions of medical and psychological care for victims and witnesses.

Lastly, all training should include opportunities for staff to ask questions and receive answers, give feedback on training, and request additional instruction, clarification, or follow-up.

§3343. (f)(6): Recordkeeping

The proposed standard states that records related to f (1)-(3) should be made available within 15 days of the initial request, however, this is too long of a waiting period compared to other documents that workers and authorized representatives are allowed to request. For example, in [a letter of interpretation](#) about OSHA 300 Log(s), OSHA states that the employer must provide the requester one free copy of the OSHA 300 Log(s) by the end of the next business day.