



July 18, 2022

Kevin Graulich
Senior Safety Engineer
Cal/OSHA
By email: KGraulich@dir.ca.gov

Re: Workplace Violence Prevention General Industry Standard

Dear Mr. Graulich:

On behalf of the 35,000 SEIU Registered Nurses here in California who provide healthcare services to the public and originally petitioned for the healthcare workplace violence prevention standard we are very pleased to see the general industry standard moving forward. SEIU has been very heavily involved with the language development of both standards and would like to extend our appreciation for all the hard work put into them.

While there are several changes to the current draft that include our prior comments and suggestions, we do continue to have some concerns regarding the May 2022 draft revisions. Mainly because we know how important these are in existing regulations.

(b) Definitions. There is no definition of injury in the healthcare standard 3342 because not only is trying to define injury extremely difficult, but limiting injury to only include, “death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness” (Title 8, Section 14300.7(b)(1)) is too restrictive. Getting punched in the face, but only needing an ice pack due to bruising and swelling in nursing terms would still be considered an injury. We strongly recommend that “Injury” be deleted from the draft text. We appreciate the definition deletion of “Union representative”.

(c) Workplace Violence Prevention Plan. The Nurse Alliance of SEIU California cannot express strongly enough how vital it is that the language “in affect at all times” be added to this section. We cannot afford there to be any misunderstanding of when the Plan is in place or not.

The healthcare standard, 3342, does not include the restrictive qualifier “authorized” and we believe this should be the same for general industry. Employees need to be able to elect a representative even where there is no collective bargaining agent, especially when workers are disempowered and not protected by a union. This is also more consistent with federal and state law.

Section (c) (4) from the healthcare standard has very detailed language regarding, “Effective procedures for obtaining assistance from appropriate law enforcement...” and (c) (11) (I) “Establishing an effective response plan...” that includes reference to active shooters that has been reduced to a vague reference of evacuation or sheltering plans and “Applicable procedures to obtain help...” in the current draft. That is very concerning considering the high incidence of active shooter and mass casualties that take place in very industry today and the fact that there isn’t more details in the Plan regarding seeking assistance from law enforcement agencies during a violent event or emergency.

(11) Procedures for post-incident response and investigation. There are no details of what that should entail such as, providing medical care or first aid to employees, identifying all employees involved, making trauma counseling available or reviewing whether appropriate corrective measures were in place that might have prevented the incident or injury.

(d) Violent Incident Log. The reference to post incident response should not be deleted.

(3) Description of the incident. This should include the clarifier “Detailed description” and examples of what details are needed such as type of incident, whether or not a weapon was involved and who was involved since the 4 Types of Violence are part of the proposed standard’s definition of workplace violence.

(4) Consequences of the incident. Whether there were any injuries as a result of the violence incident, any treatment provided to employee(s) and which staff, if any, provided assistance should be included in the proposed standard. Please see (7) (C) of the draft.

(5) Information about the person completing the log should include some type of contact information so that representatives and Cal/OSHA is able to follow up appropriately with that person.

Lastly for this section, there should be no exceptions for keeping a log. If there are no violent incidents, then the log will simply be blank.

(e) Training. Training that addresses risks that employees are reasonably anticipated to encounter in their jobs should be part of the required training and not just if there happens to be an incident in the last 5 years. The proposed Standard is titled workplace violent prevention and not workplace violence response.

Thank you for the opportunity to submit public comments for workplace violence prevention in all industries and again for the hard work reflected in this draft. We appreciate that many of our previous comments have been incorporated and your consideration for these latest set of suggestions and comments.

Respectfully,

Katherine M. Hughes, RN, Executive Director, Nurse Alliance of SEIU California

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