

DATE: July 1, 2022
TO: Workplace Violence Task Force
FROM: Helen Cleary
RE: Workplace Violence Task Force Meeting Summary – June 27, 2022

On June 27, 2022, twenty members of the Phylmar Regulatory Roundtable – Workplace Violence Task Force met to discuss the recently released discussion draft for the Workplace Violence in General Industry Regulation by Cal/OSHA. PRR is preparing comments which Cal/OSHA is accepting until July 18, 2022; and PRR is requesting input on these comments by members of the Task Force. The video / audio of the meeting can be found [here](#).

Many thanks to the members of the 2022 Phylmar Regulatory Roundtable Workplace Violence Task Force: Angel Vasquez, Barbara Patton, Benita Byrd, Bonnie Burns, Breanna Skinner, Brian DeWitt, Brian Heramb, Dan Guillory, Daryl Brock, Dave Trindell, David Cardiff, David Woodward, Donna Brown, Dustin Wiltshire, Dylan Wright, Edward Tyerman, Elizabeth Schmidt, Gary Wright, Heidi Lopez, Jamie Carlile, Jeff Cavangh, Jen Shih, Jim Weber, Kevin Gripper, Kristin Hamon, Lisa Johnson, Marie Edson, Mary Le Trang, Michelle Stewart, Monica Ahuja, Ofelia Perez, Paul Costa, Rebecca Avalos, Richard Hirsh, Richard Parr, Robert Bacci, Roxana Ramirez, Shawn Lilley, Steven Frew, Tim Torsney, Tom Socca, and Will Hernandez. To all of you, your service is much appreciated.

History

In 2018, PRR’s Workplace Violence Task Force worked together to submit comments on the last proposal and PRR has been a member of the Advisory Committee/active on this rule since 2017. See the Agency’s [webpage](#) for history.

The Workplace Violence rule goes back to 2014 where [Petition 542](#) was submitted by teachers asking Cal/OSHA to address violence in educational settings. The Division recommended the Standards Board deny the petition because they were working on a Workplace Violence standard for health care and said the IIPP covers workplace violence; The Division stated that the education industry fell under IIPP. OSH Standards Board staff recommended granting the petition in part and requested the Division expand the scope the Advisory Committee to include educational settings.

PRR’s analysis and overview of the rule can be found [here](#).

Review of the Proposed Rule

Currently, the scope is for General Industry excluding law enforcement and correctional facilities and includes four types of workplace violence. The definition remains the same to the previous

draft and aligns with the health care rule. This is important because stakeholders had previously asked the Division to make changes to the definition, but the Division opted to keep the definition as is.

One major exception was they removed from the definition of "Threat of Violence" the word "physically". This implies the threat of violence does not have to result in an injury.

*"Threat of violence" means a statement or conduct that causes a person to fear for their safety because there is a reasonable possibility the person might be **physically** injured, and that serves no legitimate purpose."*

The Task Force discussed removing "physically" from the language and the concern that it blurs the line between what is considered workplace harassment versus workplace violence. One member brought up the fact that it may create issues when effectively communicating with law enforcement. It was agreed this rule should focus on the physical violence only, therefore the word "physical" should be returned to the definition.

The Workplace Violence Prevention Plan has to be established, maintained and available "at all times" and must be included in the IIPP. The most significant revision is the removal of the phrase, "...that results in an injury,..." from the definition.

The most significant revision to section (12) under the Workplace violence prevention plan: "Procedures to review the effectiveness of the plan periodically and after ~~any~~ a workplace violence incident ~~that results in an injury~~, and to revise the plan as needed".

Violent Incidence Log

PRR pushed back on this issue in 2018. The new language requires employers to record every workplace violence incidence in a Violence Incidence Log unless the employer has not had an incidence of workplace violence in the last five years.

The following information is required for the log:

1. Date, time and location of incident
2. Type of incident
3. Description of incident (sans privacy issue details)
4. Consequences of the Incident
5. Response from law enforcements
6. Actions taken to protect employees from a continued threat
7. Information on person maintaining the log

Recordkeeping

- Hazard Identification, Correction and Training logs need to be maintained for one year
- The Violence Incidence Log needs to be maintained for five years
- The Workplace Violence Incidence Investigation records without medical information need to be maintained for five years
- All records need to be available to Cal/OSHA
- All records *except for the Incident Investigation records* need to be made available to employees and representatives

One member suggested that, on a security level, the log was a good idea in concept, as his company maintains a similar log anyway for future reference.

One member inquired on the specificity of the required information on the location portion of the report.

Another member suggested there is not a concern as you can include just the information that is important/required and keep details out.

Members have questions regarding why information regarding law enforcement's response and the actions taken need to be included.

PRR Staff will follow up with Cal/OSHA and ask about for clarity on the changes.

It was agreed that PRR would support the current language regarding effective training, general awareness training, the employer plan, how to obtain a copy of the plan, how to participate in the development and participation of the plan as well as the training requirements for employers who have had a workplace violence incident in the last five years.

One member asked about the timing of the standard. PRR Staff confirmed that comments are due by July 18th, the Division will review comments and post a final draft. The stakeholders will then have a minimum of 45 days to comment on the proposed draft. PRR estimated at least six months before the standard is issued.

Adjournment: 10:47 am

Next Meeting: TBD

Email Helen with feedback or questions (hcleary@phylmar.com).