

12NYCRR Part 800.6

Public Employer Workplace Violence Prevention Programs

Executive Summary



LOCAL 1000, AFSCME, AFL-CIO
Occupational Safety & Health
Department

Purpose and Intent

The purpose of this regulation is to ensure that public employers, with participation from the authorized employee representative, assess the risk of workplace violence (such as assaults and homicides) in the workplace and to establish protection programs designed to eliminate or minimize the hazard of workplace violence to public employees.

Application of the Regulation

This regulation applies to the state, public authorities & benefit corporations, counties, municipalities, and any other governmental agency or entity. This regulation does not apply to private sector employers, school districts, BOCES, or other cooperative vocational schools.

Definition of Workplace Violence

Any physical assault or acts of aggressive behavior occurring where a public employee performs **any** work related duty in the course of his or her employment.

Workplace Violence Incidents

- Attempts or threats (verbal or physical) to inflict injury on another person.
- Intentional displays of force that would give a person reason to fear or expect bodily harm.
- Intentional and wrongful physical contact with a person that entails some injury or offensive touching without his or her consent that entails some injury.
- Stalking a person with intent to cause fear or inflict harm.

What are public employers required to do to comply with the regulation?

1. Employers must give the authorized employee representative an opportunity to participate in; the evaluation of the physical work environment, the development of the written program, and the annual review of incident reports.
2. Employers must perform a risk evaluation and determination of the workplace to determine the magnitude of risk of workplace violence.
3. Employers must implement control methods to minimize or eliminate the risk factors identified.
4. Employers must establish a reporting system for workplace violence incidents and maintain reports for annual program evaluation.
5. Employers must provide information and annual training for employees on the risk factors in the workplace, hazard control methods, and the details of the written workplace violence prevention program.
6. Employers, with more than 20 employees must create a written program including; the risk factors identified in the risk examination, the control methods that will be utilized to prevent or minimize the risk factors, the components of the reporting system, and an outline or lesson plan of the training for employees.

Inspection and Complaint Procedures

Employees are required to report alleged violations of the regulation to their supervisor in writing and allow a reasonable amount of time to fix the problem. If the employee feels that an imminent danger situation exists and that reporting the matter to the supervisor will result in no corrective action a written complaint can be reported to the DOL. Designated employee representatives must be given the opportunity to participate in Department of Labor (DOL) inspections. The regulation forbids any retaliatory action against employees attempt to exercise their rights under this rule.