



## LABOR AND EMPLOYMENT

### Workplace Violence Policies: A Quick Checklist

BY ROY A. CLARKE WITH AMY GREYSON

Violence in the workplace is a serious and increasingly prevalent problem in today's society. Many kinds of violence result from societal problems that are beyond an employer's control. Still, there are measures an employer can take to increase protection for employees and to provide a secure workplace. In addition to the basic moral responsibility to keep workers safe from harm, increasing legal responsibilities make the prevention of workplace violence a top priority. An employer faces potential liability in court or before regulatory agencies for failing to adequately address workplace violence.

A critical step is the adoption and dissemination of a policy setting forth the employer's rules and procedures regarding violence in the workplace. This is also a needed component of the Injury and Illness Prevention Program Cal/OSHA requires of most employers (See Labor Code §6401.7; 8 CCR §3203).

It is, of course, not the only step. The policy is part of a comprehensive plan that should include other elements, such as a risk assessment, physical safeguards, security rules, training, enforcement and a response plan. Also, remember that Code of Civil Procedure §527.8 allows employers to obtain a temporary restraining order and injunction on behalf of an employee who has been or may be subject to a violent act in the workplace.

The purpose of this Bulletin is to provide employers with a quick checklist of suggested components to consider in Workplace Violence policies. All employers are encouraged to consult with legal counsel when adopting, revising and disseminating such policies, and also outside mental health professionals where appropriate.

The following are recommended components of an employer's Workplace Violence Policy:

1. A statement that the employer is committed to a workplace free of violence.
2. A definition of workplace violence.
3. A description of the procedures in place for employees to report behavior that constitutes workplace violence or that otherwise violates the policy. The procedures should include the designation of a person to whom reports may be made and should identify the person responsible for responding to complaints.
4. A statement that all reports will be investigated.
5. A statement prohibiting retaliation.
6. A statement that the employer will take corrective action if it concludes that the policy was violated. A statement that employees who violate the policy will be disciplined, including the range of discipline that may be taken.
7. If applicable, a reference to the Employee Assistance Program as a resource for





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employees who believe they may have a problem that could lead to violent behavior.

The foregoing is not intended to be exhaustive and additional requirements may apply. For more detailed information, employers should consult with legal counsel.

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