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### Workplace Violence

#### **New York Public Employees Campaign Touts Training, Legislation to Stop Violence**

**I**nstituting stronger workplace violence prevention programs and advocating the passage of bills currently in the state legislature are goals of a campaign launched by the New York State Public Employees Federation.

As part of PEF's Stop Workplace Violence campaign, a series of workshops on workplace violence are being conducted around the state for safety and health committee members, PEF Safety and Health Director Jonathan Rosen told BNA March 22.

Although private employers in the state are under the jurisdiction of the federal Occupational Safety and Health Administration, New York operates its own program for public employees.

**'Major Problem.'** "Workplace violence is a major problem in the public sector," Rosen said. While the public sector accounts for 16 percent of the workforce, it accounts for 33 percent of the victims of workplace violence, he said. Violent incidents against public sector workers include health care workers attacked by patients and social service workers attacked by clients.

Rosen said that the biggest problem is short staffing, which has been exacerbated by efforts to cut government spending and taxes. Agencies such as the Office of Mental Health have taken huge hits, he said. Staffing levels in mental health wards are one nurse and two aides for every 28 patients, he said.

Another big problem is the attitude that "violence is part of the job," Rosen said. In many situations, the assailants are already incarcerated or otherwise confined, and the police figure that when workers are assaulted, "the people are already locked up" and in some cases they may be incompetent to face charges, Rosen said.

Every year, about 600 workers are murdered on the job, Rosen said. In addition, there are about 1.7 million annual workplace assaults, according to a 2001 Bureau of Justice Statistics report, *Violence in the Workplace, 1993-99*, Rosen said (32 OSHR 5, 1/3/02).

According to a PEF fact sheet, in 2003 and 2004, 29 percent of all state employee workers' compensation cases were categorized as "patient or inmate assault" and "struck by object or individual."

In 2003, employees in the New York State Office of Mental Health experienced 1,882 injuries from patient assault, and 1,241 injuries while restraining patients for a total of 3,123 incidents. Those injuries accounted for 52.1 percent of all the office's occupational injuries, resulting in more than 8,000 lost work days.

**Workplace Violence Bills.** Last year, Governor George Pataki (R) vetoed a bill that would have directed all public employers to evaluate their workplaces for the risk of workplace violence and develop prevention measures. The bill was passed by the Republican-controlled Senate and the Democrat-controlled Assembly.

That legislation has been reintroduced this session along with two other bills, including one named for a state employee, Judy Scanlon, who was murdered while visiting a mental health patient in Buffalo:

- The Workplace Violence Prevention bill (S. 6441/A. 9691) would require all public employers to conduct evaluations to determine the presence of risk factors that may lead to violence in the workplace. Public employers with more than 20 employees would be required to implement a written program to prevent violence in the workplace, including listing risk factors and methods to reduce risks.

- The Judy Scanlon Bill (S. 207/A. 2570) would allow Office of Mental Health employees who are required to enter the residence of a person with serious mental illness to request to be accompanied by another employee for safety reasons. It would require the office to provide intensive case managers with annual training in safety and the prevention of violence, and provide them a mobile telephone. It would also require that the office have enough staff so that each intensive case manager would have a case load of no more than 12 patients.

### Workplace Violence Efforts Elsewhere

Legislation addressing workplace violence has been introduced in other states, including Washington and Michigan, PEF's Jonathan Rosen told BNA.

The Washington bill, known as "Marty's Law" (H.B. 2912) after Marty Smith, a Washington state mental health care worker who was stabbed to death in 2005 by a schizophrenic patient during a home evaluation visit, was introduced in the Washington House of Representatives Jan. 26 (36 OSHR 125, 2/9/06).

Marty's law passed the House but died in a Senate committee, and now the legislature is out of session for the year. The bill's author told BNA that she hopes to revive the bill in the next session.

Michigan approved a workplace violence bill, known as "Lisa's Law," which was signed in September 2001. The law was named after child protective services worker Lisa Renee Putman who was murdered while on a home visit in 1998.

Lisa's law requires the state's Department of Human Services to provide training for its Children's Protective Services workers and a "buddy system" in riskier situations. The training must include tactics to defuse threatening behavior, perform a safe visit, and recognize a dangerous situation. If a reasonable risk to safety exists, the worker would have to be accompanied by another trained worker or law enforcement officer.

- The Workplace Injury Disclosure and Accountability Bill (S. 6480/A. 9692) would amend the Civil Service Law to require that the state Department of Civil Service prepare an annual report about injury rates among state employees due to workplace injuries in state agencies and the costs incurred by the state as a result of those injuries.

Among reasons that Pataki gave for not signing last year's bill was that it did not give the state Labor Department enough time to establish regulations, Rosen said. The bill currently in the Legislature provides more time for regulations to be established.

Another objection was that the bill could interfere with collective bargaining rights. However, Rosen said that any regulation could impact bargaining, and that the unions and the governor's Office of Employer Regulations can work those issues out together.

Rosen is hoping that the Stop Workplace Violence campaign will give the legislation a higher profile.

"It needs to be seen in the same light as protecting police officers from street crime," he said.

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