



WORKPLACE VIOLENCE PREVENTION

DC 37 SAFETY AND HEALTH FACT SHEET

12 NYCRR Part 800.6 requires NYS Public Employers (other than schools) to implement a Workplace Violence Prevention Program.

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 including but not limited to:

An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

Any intentional display of force which would give an employee reason to fear or expect bodily harm;

Intentional and wrongful physical contact with a person without his or her consent that entails some injury;

Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

NYS Public Employers must:

Develop and implement a **written program**

Post the written **policy statement**

Conduct a **risk evaluation and determination** at each work location

Provide **training** to employees: initially, annually and whenever significant changes occur. Training must include identified risks and specific prevention measures implemented by the Employer (e.g. alert notifications, security alarms, and specific work practices).

Develop an **incident reporting system** (identify person to report incidents to)

Record and review incidents

Employee Protections:

Participate in and understand workplace violence training

Be aware of early warning signs of potentially violent individuals or situations, and when possible remove yourself from the situation

Immediately report workplace violence incidents to a Supervisor or Management

Immediately report to Management any observed security deficiencies

Employees always retain the right to report workplace violence incident to NYPD for investigation

If you are involved in an incident, you have a right to have your Union representative present during a disciplinary hearing.

Recognized Risk Factors:

Workplace Violence can occur in any workplace. However, some employment tasks have a recognized higher potential risk such as:

Duties that involve the exchange of money

Delivery of passengers, goods, or services

Duties that involve mobile workplace assignments

Working with unstable or volatile persons in health care, social service, or criminal justice settings

Working alone or in small numbers

Working late at night or during early morning hours

Working directly with the public

Performing enforcement duties

Working in high-crime areas

Filing a complaint with NYS Department of Labor (PESH):

Employees must **first** notify a Supervisor, in written format, of a serious violation of the Workplace Violence Prevention Program and allow a reasonable time for correction.

When unresolved, a complaint may be filed with the NYS Department of Labor's Division of Safety and Health PESH bureau.

Valid complaints may result in a worksite inspection by PESH to determine if the Employer has implemented the requirements of the Workplace Violence Prevention regulation.

RETALIATION IS STRICTLY PROHIBITED. No employer shall take retaliatory action against any employee who reports a workplace violence incident, makes a PESH complaint or participates in a PESH investigation.

<https://dol.ny.gov/workplace-violence-prevention-information>