



**EVALUATION OF OSHA'S HANDLING
OF
WORKPLACE VIOLENCE ISSUES**

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

REPORT NO: 2E-10-105-0002

FINAL REPORT ISSUED: SEPTEMBER 26, 2001

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ACRONYMS

ALJ	Administrative Law Judge
BLS	Bureau of Labor Statistics
DOL	Department of Labor
FIRM	Field Inspection Reference Manual
IMIS	Integrated Management Information Systems
NEP	National Emphasis Program
NIOSH	National Institute for Occupational Safety and Health
OIG	Office of Inspector General
OSH	Occupational Safety and Health Act
OSHA	Occupational Safety and Health Administration
OSHRC	Occupational Safety and Health Review Commission
OTI	OSHA Training Institute

EXECUTIVE SUMMARY

Workplace violence issues have received considerable attention in recent years. For the past decade there have been an annual average of nearly 900 workplace homicides in the United States, with two million workers assaulted each year.

The Occupational Safety and Health Administration (OSHA) began issuing workplace violence citations under the General Duty Clause [29 USC 654 5(a)(1)] in 1993. This “clause” requires employers to provide a safe and healthful working environment for all workers covered by the Occupational Safety and Health Act of 1970.

While there is no regulatory standard pertaining to workplace violence, OSHA’s proactive approach to addressing the topic is through issuance of voluntary guidelines and other materials. Such guidelines have been issued for those industries identified as having the highest risk for workplace violence.

This evaluation assessed the steps OSHA has taken to address workplace violence issues. Specifically, we examined OSHA’s efforts in the following areas: providing guidance to its inspectorate on the handling of workplace violence issues; examining internal systems designed to track workplace violence issues; and providing training and outreach to OSHA enforcement staff and to the public.

RESULTS OF EVALUATION

OSHA has developed and disseminated voluntary guidelines and other informative materials on a wide range of issues related to workplace violence, particularly for those industries with the highest risk indicators of violence—health care workers, late-night retail establishments, and taxi and livery drivers. It has also conducted extensive outreach to the public on workplace violence issues.

According to data released by the Bureau of Labor Statistics (BLS) on August 14, 2001, workplace homicides have decreased significantly since 1994, from a high of 1,080 to a low of 645 in 1999. However, the data shows an increase in work related homicides in the last year to 671. Work related homicides averaged 17 deaths per week, and assaults averaged 38,000 per week during the period 1992 to 2000.

In response to the BLS report, the Secretary of Labor stated that while she is pleased that the overall job fatality rate declined, “even one workplace fatality is too many.” The Department of Labor’s Occupational Safety and Health Administration “has made a lot of progress, but this report points to where we need to do better. We want to promote compliance assistance and training to keep reducing workplace tragedies,” she said.

In that regard, we have identified three areas where OSHA can further address workplace violence issues. The findings and associated recommendations are below.

FINDING A B OSHA Can Take Additional Steps to Address Workplace Violence Issues

We found that OSHA took a number of steps to address the issue of workplace violence, including: issuance of voluntary guidelines and fact sheets for industries with high-risk indicators; issuance of general duty clause citations on workplace violence between 1993 and 1995; and conducting outreach and training. However, we also determined that OSHA needs to provide additional guidance to its inspectorate regarding the handling of workplace violence issues.

FINDING B B OSHA Needs to Assess Its Training and Outreach Efforts on Workplace Violence

OSHA has not assessed the success of its outreach and training efforts on workplace violence. Specifically, OSHA has not: (1) evaluated its *internal* training efforts to ensure (a) uniform handling of employee complaints and referrals involving incidents of workplace violence, and (b) uniform dissemination of guidance for the use of the General Duty Clause with respect to safety and health hazards arising from acts or threats of violence in the work environment; or (2) assessed the impact of its *external* training/outreach efforts to increase the public’s understanding of workplace violence.

FINDING C B OSHA Needs to Develop a Record Keeping System on Information Related To Workplace Violence

We found that OSHA does not track information related to workplace violence. Lack of such record keeping hinders OSHA’s ability to examine systemic issues related to workplace violence.

RECOMMENDATIONS

We recommend that OSHA take the following actions:

- A.1 Provide guidance on whether citations should still be issued under the 5(a)(1) “general duty” clause for workplace violence issues.
- A.2. Develop and disseminate guidance for its inspectorate on how to provide compliance assistance regarding workplace violence issues.
- B.1. Develop, implement and track the training of inspectors on workplace violence issues.
- B.2. Develop and implement a method for systematically evaluating the effectiveness and impact of OSHA’s external outreach efforts on the subject of workplace violence.

C.1: Develop a reporting system and train personnel on how to report workplace violence issues.

C.2: Track and monitor workplace violence information in order to identify systemic issues related to workplace violence.

OSHA'S RESPONSE AND OIG CONCLUSION

On September 21, 2001, OSHA provided a written response to our draft report. In the response, OSHA outlined corrective actions taken or planned. A summary of OSHA's response, along with the OIG's comments, is located on pages 14 through 16. OSHA's complete response is located in the Appendix beginning on page 17.

BACKGROUND

In recent years, the magnitude of violence in the workplace has received considerable attention. For the past decade there have been an annual average of nearly 900 workplace homicides in the United States, with two million workers assaulted each year.¹ This averages to 17 people murdered and 38,000 people assaulted every week while at work. Since 1992, workplace homicide has consistently been the second or third leading cause of death for male workers, and the leading cause of death for women on the job for most of the decade. While the numbers of injuries and fatalities decreased in the past decade along with overall U.S. crime rates, last year the number of job-related homicides increased for the first time in six years.

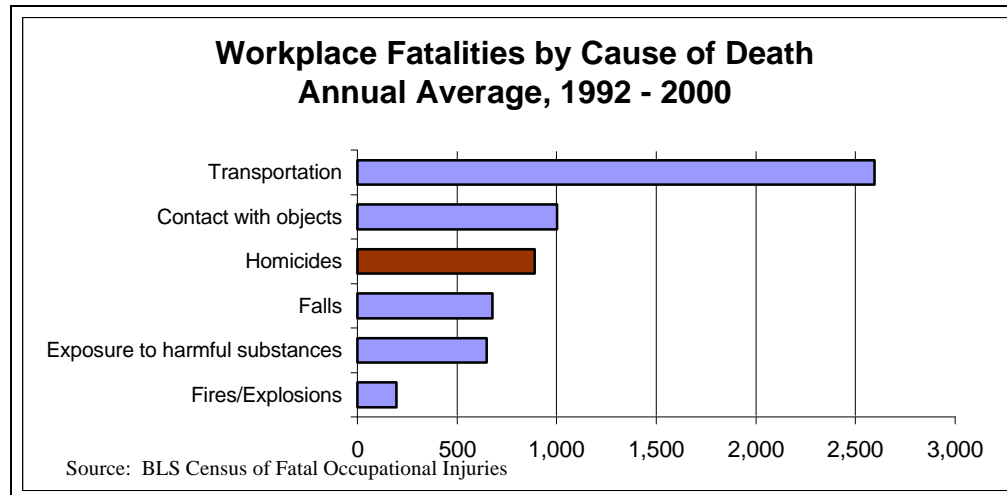


Figure 1

There are four primary categories of workplace violence—co-worker, employer on employee, customers, and domestic violence. Anyone can become the victim of workplace violence, but the risks are much greater in certain industries and occupations: employees of health care institutions, late night retail businesses, and taxi cab drivers. Also, the National Institute for Occupational Safety and Health (NIOSH) has identified ten risk factors that may increase a worker's risk for workplace assault (refer to Figure 3 for information on the risk factors).

The state of research and evaluation in the area of workplace violence remains limited. The majority of intervention studies have not utilized control groups; few studies have controlled for changing crime rates in gauging program impact; and many outcome measures are confounded by broad external factors. There is broad consensus among health and safety professionals who work in the area that funding for research and evaluation studies on workplace violence should be increased.

The Occupational Safety and Health Administration (OSHA) has not established a specific standard for preventing workplace violence. However, beginning in 1993 OSHA issued workplace violence citations under the General Duty Clause [29 USC 654 5(a)(1)], which requires employers to provide a safe and healthful working environment for all workers covered by the Occupational Safety and Health Act of 1970. The General duty clause states:

¹ Department of Justice, National Crime Victimization Survey.

Each employer...shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees (29 USC 654).

From 1993 through 1995, OSHA issued eight Section 5(a)(1) general duty clause citations for workplace violence. However, OSHA's use of the general duty clause to address workplace violence was curtailed after the agency lost a case at the trial level of citations issued in 1995 (*Secretary v. Megawest Financial, Inc.*, OSHRC Docket No. 93-2879).

In that case, an administrative law judge of the Occupational Safety and Health Review Commission refused to affirm a citation issued by OSHA to a Florida property management company. The judge ruled that OSHA's findings satisfied the first of four required elements of a 5(a)(1) citation under the General Duty Clause-- existence of a hazard. However, the judge ruled that OSHA did not prove the second required element-- that the employer or the employer's industry recognized the risk of assault. Accordingly, the third and fourth elements of the general duty clause—whether the hazard could be expected to result in serious injury or whether the suggested means of abatement would eliminate the hazard—did not need to be addressed. OSHA did not appeal the ALJ decision, and subsequent to the *MegaWest* ruling no citations for workplace violence have been issued in OSHA.

Since 1992 OSHA has emphasized voluntary workplace violence prevention programs and adoption of their voluntary guidelines for workplace violence protection. Between the period 1993-95, OSHA took a more aggressive enforcement approach in addressing the topic, issuing eight General Duty Clause citations for workplace violence. OSHA does not list workplace violence among its twenty "National Emphasis Programs" (NEP), wherein OSHA routinely targets various industries with unusually high injury and/or illness rates for inspections. Yet, prevention of workplace violence is a growing concern in the United States. While public interest and media attention have focused on dramatic types of violence such as shootings in office buildings, statistics show that the most common type of workplace violent crime is simple assaults, with most injuries in service and retail industries (see Figure 2). These assaults have averaged a total of 1.5 million a year.

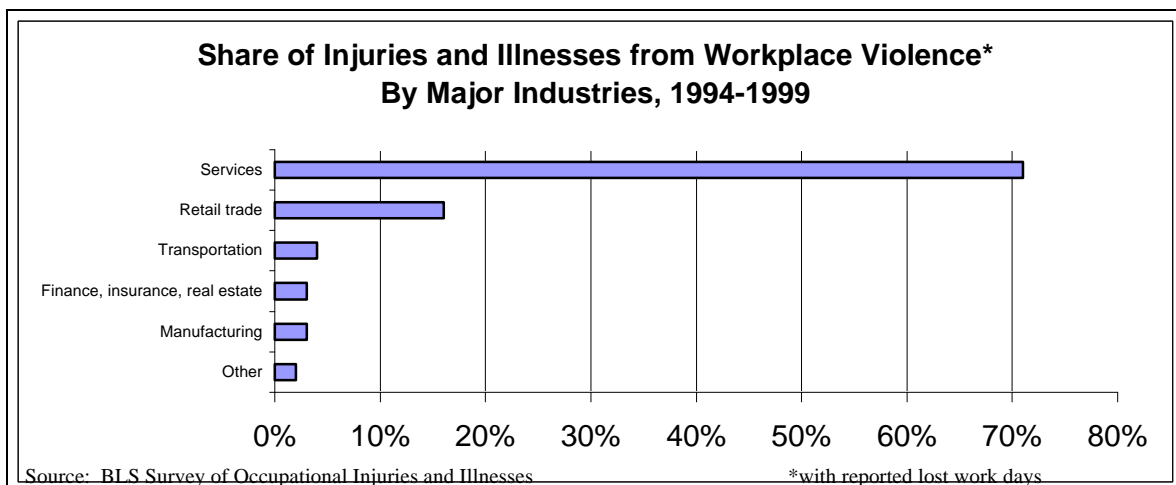


Figure 2

The Bureau of Labor Statistics (BLS) released data on workplace violence for the year 2000 on August 14, 2001. While the data revealed that fatal injuries in U.S. workplaces dropped by 2 percent from 1999 to 2000, there was an increase in fatalities “*from work-related assaults and other violent acts, up from 909 deaths in 1999 to 929 in 2000. Within that category, homicides increased from 651 in 1999 to 677 in 2000.*”

In response to the BLS release of data, the Secretary of Labor said that while she is pleased the fatality rate declined, “even one workplace fatality is too many.” The Department of Labor’s Occupational Health and Safety Administration has “made a lot of progress, but this report (the BLS report) points to where we need to do better. We want to promote compliance assistance and training to keep reducing workplace tragedies,” she said.²

We believe the data released by BLS and the Secretary’s response to it support both the findings and recommendations pertaining to workplace violence issues presented in this report.

² U. S Department of Labor, Office of Public Affairs Press Release “Chao Promotes Outreach to Improve Safety in the Workplace,” 8/14/2001

PURPOSE AND METHODOLOGY

PURPOSE

The purpose of this evaluation was to assess the steps OSHA has taken to address workplace violence issues. Specifically, we examined OSHA's efforts in the following areas: providing guidance to its inspectorate on the handling of workplace violence issues; examining internal systems designed to track workplace violence issues; and providing training and outreach to OSHA enforcement staff and to the public.

METHODOLOGY

Our methodology included qualitative methods and an extensive document review.

Qualitative Methods

Qualitative methods included numerous interviews with:

- (1) OSHA's managerial, technical and professional staff members at the National Office.
- (2) Telephone interviews with OSHA's Regional Administrators.
- (3) Interviews with outside experts on the topic of workplace violence.

Document Review

We reviewed numerous documents related to workplace violence issues, including:

- (1) OSHA Field Inspection Reference Manual.
- (2) Internal OSHA documents pertaining to policy, procedures and guidelines.
- (3) External and internal OSHA correspondence.
- (4) Training manuals for OSHA Inspectors.
- (5) OSHA's website containing information dedicated to workplace violence issues.
- (6) Bureau of Labor Statistics and Department of Justice data.
- (7) Information from the National Institute for Occupational Safety and Health (NIOSH).
- (8) Professional and academic occupational safety and health journals.

We conducted our evaluation in accordance with the *Quality Standards for Inspections* published by the President's Council on Integrity and Efficiency.

FINDINGS AND RECOMMENDATIONS

FINDING A—OSHA Can Take Additional Steps to Address Workplace Violence Issues

We found that OSHA took a number of steps to address the issue of workplace violence, including: issuance of voluntary guidelines and fact sheets for industries with high-risk indicators; issuance of general duty clause citations on workplace violence between 1993 and 1995; and conducting outreach and training. However, we also determined that OSHA needs to provide additional guidance to its inspectorate regarding the handling of workplace violence issues.

Policies and Regulations

OSHA has not promulgated a safety standard for Workplace Violence and has not proposed one to date. First an internal task force, then a steering committee, operated in OSHA from April 1994 through May 1995 to draft guidelines on how to address workplace violence issues and to develop a compliance directive. The latter was never finalized. In order to maximize their efforts in addressing workplace violence, OSHA decided that industry guidelines and outreach should be implemented prior to disseminating uniform guidelines to OSHA staff on how to address workplace violence issues.

OSHA has interpreted workplace violence issues to fall under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act. The clause does not require employers to assume the role of law enforcement authorities, but the employer is required to maintain a workplace free of recognized hazards likely to cause death or serious physical harm, providing there is a feasible means of abatement. In 1992, 1994 and 1997, OSHA issued three “Standards Interpretation and Compliance Letters” in response to specific inquiries about workplace violence from the public and from OSHA internally. Only one letter in 1992 was specific in its reference to 5(a)(1) enforcement, and it was very brief and general in its interpretation.

Aside from its internal field reference manual, which addresses *all* General Duty clause citations, OSHA has not issued any other information to its inspectorate on the applicability of the general duty clause to workplace violence issues.

Voluntary Guidelines

Between 1996 and 2000 OSHA issued the following publications for the most violence-prone industries:

- Risk Factors and Protective Measures for Taxi and Livery Drivers (2000)
- Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments (1998)
- Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers (1996)
- Protecting Community Workers Against Violence (1996)

The publications provide informative materials and tools on a wide range of issues, and the latest state of research findings on workplace violence.

These guidelines are intended as educational tools. They do not have the force and effect of regulations, and they cannot be enforced through Section 5(a)(1). After the Health Care and Social Service Workers Guidelines were issued in 1996, OSHA disseminated a memorandum to their field personnel, reminding them that the voluntary guidelines should not be used to enforce Section 5(a)(1). It is routine for OSHA to issue such direction with all voluntary guidelines.

Issuance of Citations

During the period 1993-1995, OSHA issued eight workplace violence citations to private establishments and two notices to federal facilities (see Figure 3). Citations were issued based on four-part criteria found under the General Duty clause of the OSH Act, which is outlined in OSHA's Field Inspection Reference Manual (FIRM). When OSHA develops such cases, all four criteria must be met. Following are the four required criteria:

1. a condition in the workplace presents a hazard;
2. the employer or employer's industry recognizes the hazard;
3. the hazard is likely to cause death or serious physical harm;
4. a feasible means exists to eliminate or reduce the hazard.

Section 5(a)(1) Citations on Workplace Violence		
Date	Location	Employer/Employment Sector
May 1993	Illinois	Hospital
August 1993	Florida	Property management company*
September 1993	Colorado	Employment/Training Agency
November 1993	Illinois	Hospital.
December 1993	North Dakota	Group Home
June 1994	New York	Convenience Store
November 1994	Colorado	Health services
March 1995	New York	Check cashing
1993-4	Wyoming	Veteran's medical center**
1994	New Mexico	U.S. Postal service**

Figure 3

* Citation reversed by OSHC

** Federal notice issued

OSHA may cite an employer for a workplace violence violation under Section 5(a)(1), dependent upon the specific facts of the case. An employer's ability to recognize and foresee the hazard, and the feasibility of the means of abatement, are closely dependent on the specific circumstances of the case. The presence of one or more risk factors—which is criteria number one above—may not be significant itself. NIOSH has identified the top ten workplace violence “risk factors”, seen in Figure 4.

Since the 1995 Occupational Safety and Health Review Commission ruling on *Secretary vs. Megawest*, there have been no citations on workplace violence issued under 5(a)(1) of the General Duty clause. Because OSHA does not maintain records on workplace violence investigations, it is difficult to ascertain how many proposed citations or other inspection activities related to workplace violence have occurred since 1995.

We noted that, from 1992 – 2000, the 5(a)(1) General Duty clause was used in over 8,000 citations for other kinds of workplace hazards, ranging from explosions, falls and burns to issues related to ergonomics and needle-sticks.

RISK FACTORS
Contact with the public
Exchange of money
Delivery of passengers, goods or services
Having a mobile workplace (e.g. taxi, police)
Working with unstable or volatile persons in health care, social services, or criminal justice settings
Working alone or in small numbers
Working late at night or during early morning hours
Working in high crime areas
Guarding property or possessions
Working in community based settings

Figure 4

Interviews

We interviewed eight of OSHA’s ten Regional Administrators, and one Deputy Regional Administrator. They were divided in their opinions about the effectiveness of current policies on workplace violence. Most stated that guidance to date regarding the issue has come in the form of executive-level discussions about what direction the agency should take with regard to workplace violence. However, they varied in their positions on whether this ad-hoc manner of addressing the issue has been effective.

Four of the Regional Administrators indicated a desire for clearer guidance on issues related to workplace violence. Of these, three felt that OSHA should articulate a clearer policy on workplace violence and issue a memorandum to that effect. With respect to guidance, two Regional Administrators specifically raised the need for legal clarification on who has primary authority when other entities also have jurisdiction (e.g. state or other federal agencies). One Regional Administrator pointed to institutionalized workplace violence as a growing problem nationwide, particularly among migrant workers at the hands of their employers.

In our interviews, we also learned anecdotally of three instances of proposed citations related to workplace violence since the *MegaWest* ruling. In these instances, 5(a)(1) citations for workplace violence appeared to meet the rigors of the four-part general duty clause criteria, but were withdrawn for a variety of reasons, such as the case being settled or being referred as a criminal matter.

Five of the nine Regional Administrators we interviewed recalled having issued 5(a)(1) letters to employers alerting them to potential workplace violence hazards in the last five years, and have given employers 30 days to resolve the issues. While some individual area offices were able to provide the information to the regional offices upon our request, we noted that a centralized database of these letters and their inspection resolution does not exist.

From our historical data review and interviews we conclude that OSHA needs to provide additional guidance to its inspectorate regarding the handling of workplace violence issues. This guidance should include: (1) the development and dissemination of guidance for its inspectorate on the handling of reports of fatalities, complaints and referrals of workplace violence, and (2) additional compliance assistance on workplace violence issues during inspections and investigations.

RECOMMENDATION A:

We recommend that OSHA take the following actions:

- A.1 Provide guidance on whether citations should still be issued under the 5(a)(1) “general duty” clause for workplace violence issues.
- A.2. Develop and disseminate guidance for its inspectorate on how to provide additional compliance assistance regarding workplace violence issues.

FINDING B—OSHA Needs to Assess its Training and Outreach Efforts on Workplace Violence

OSHA has not assessed the success of its outreach and training efforts on workplace violence. Specifically, OSHA has not: (1) evaluated its *internal* training efforts to ensure (a) uniform handling of employee complaints and referrals involving incidents of workplace violence, and (b) uniform dissemination of guidance for the use of the General Duty Clause with respect to safety and health hazards arising from acts or threats of violence in the work environment; or (2) assessed the impact of its *external* training/outreach efforts to increase the public's understanding of workplace violence.

Internal Training Efforts

OSHA has a Workplace Violence Coordinator in the National Office, responsible for overseeing DOL's workplace violence initiative. Since 1992, when OSHA began interpreting workplace violence issues to fall under the General Duty Clause, the coordinator developed a body of expertise on the subject and participated in the development of the voluntary guidelines. Additionally, this individual conducted extensive outreach to the public.

While these actions have taken place on a proactive basis, particularly with respect to external outreach, we note there is no requirement or mechanism for assuring: 1) that all inspectors familiarize themselves with the workplace violence content available on OSHA's website; or 2) they receive standardized or mandatory training related to workplace violence issues at OSHA's Training Institute (OTI).

OSHA Training Institute trainings related to workplace violence have encompassed both day-long seminars related to home health care, as well as one-hour trainings on OSHA's guidelines, recommendations, and draft instructions on an internal workplace violence program, as part of larger course offerings.

- (a) Training on the Nursing Home Health and Safety Initiative—Information on the number of inspectors participating in a three-day training class on the Nursing Home Initiative—launched in July 1996—was not available through the Training Institute because it was not tracked. However, we did learn that following this initial training, 152 inspectors out of a total inspectorate of 1,500 have been trained on the initiative.
- (b) Additional OTI Training—Workplace violence is a component of many different courses offered at the Institute, a system that does not guarantee uniformity in inspectors' training and knowledge of workplace violence. OSHA notes that inspectors were provided training through the compressed digital video system in November 1996, March 1997, and June and September 2000. For this training the Workplace Violence Coordinator presented a multi-media presentation to the classroom and was available for a live discussion via satellite videoconferencing.

OSHA's Regional Administrators differed in perspectives regarding how training programs for workplace violence could be enhanced. Half of the Regional Administrators we interviewed do not regard across-the-board training of all inspectors to be a priority, citing that the issue of workplace violence comes up infrequently. The other half disagreed, stating that any policy clarifications on investigation, enforcement or record keeping would warrant across-the-board training. We noted instances where two employees in different regions—one a Deputy Regional Administrator and another an inspector—took the initiative on their own to develop a substantial body of expertise on the subject, and are regarded as the main point persons on workplace violence in their respective regions.

Our evaluation underscored the need for a more systematic method for training of OSHA's inspectorate on workplace violence. Specifically, OSHA should evaluate its *internal* training efforts to ensure (a) uniform handling of employee complaints involving incidents of workplace violence, and (b) uniform dissemination of guidance for the use of the General Duty Clause with respect to safety and health hazards arising from acts or threats of violence in the work environment.

External Training/Outreach

The effect of OSHA's voluntary guidelines on workplace violence has not been assessed. In 1996 a member of Congress asked that an economic impact analysis be conducted on the voluntary guidelines. OSHA argued it is not mandated to conduct such an analysis on their voluntary guidelines because they do not constitute standards. OSHA officials underscored that research on the topic of workplace violence is still evolving; and the voluntary guidelines are little more than "best practice" models that are not enforceable.

The Workplace Violence Coordinator frequently conducts outreach to a variety of audiences (e.g. industry associations, private companies, labor unions, etc.). Some OSHA regional offices that had recently dealt with complex or highly publicized workplace violence incidents have also been more involved in training the public than those regions which have not grappled with the issue. One region that had recently experienced a tragic murder at a health facility was planning a two-day conference on outreach to the industry, involving expert speakers, industry employees, and OSHA officials.

OSHA has not systematically assessed the extent to which its outreach and training efforts have increased the public's knowledge and understanding of workplace violence. For instance, beginning in 1996 OSHA unveiled its Nursing Home Health and Safety Initiative, offering free, comprehensive, safety and health seminars for nursing home employees in seven states that cover more than 500 nursing home facilities. While OSHA did maintain information on the number of trainings conducted, it does not know the extent to which materials are useful to the recipients, because it has not conducted internal evaluations on the effectiveness of their outreach.

Currently, a University of Maryland researcher, in conjunction with the New York State Office of Mental Health, is conducting a three-year process evaluation on workplace violence in mental health facilities. The effort, funded by NIOSH, will only document the process, but not the effect, of multiple interventions on workplace violence. An assessment of OSHA's voluntary guidelines will be included in the study.

As more information becomes available on the subject, OSHA should develop and implement methods to assess the impact of its *external* training/outreach efforts to increase the public's understanding of workplace violence. For example, OSHA could develop and utilize questionnaires and customer response surveys in its publications, and could conduct individual and focus group interviews.

RECOMMENDATION B:

We recommend that OSHA take the following actions:

- B.1. Develop, implement and track the training of inspectors on workplace violence issues.
- B.2. Develop and implement a method for systematically evaluating the effectiveness and impact of OSHA's external outreach efforts on the subject of workplace violence.

FINDING C: OSHA Needs to Develop a Record Keeping System on Information Related To Workplace Violence
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We found that OSHA does not track information related to workplace violence. Lack of such record keeping hinders OSHA's ability to examine systemic issues related to workplace violence.

Nationwide Tracking of Inspection Activity

Currently, injuries or illnesses that occur as a result of workplace violence may be recorded by employers on OSHA-200 logs. However, there is no reporting requirement for inspectors to separately classify workplace violence incidents in their inspection, complaint, or referral reports (OSHA-1, 7, 9 and 170). Therefore, OSHA's *Integrated Management Information System* (IMIS) does not allow for a query of the number of activities that relate to workplace violence.

The IMIS search option does provide for a search of inspection activity related to a specific *national optional information identification*. There are twenty categories of special interests (e.g., ergonomics and indoor air quality) included on the list of national optional identifications; workplace violence is not one of the twenty.

No complaints, referrals or enforcement letters pertaining to workplace violence issues are tracked at any level. The National Office does not request such information from the regional offices. The only systematic source of information, which is able to capture complaints related to workplace violence, is an electronic log of correspondence to and from OSHA executive staff and the Secretary's office. This log only captures information on the complainants who made direct contact with a senior DOL representative in Headquarters.

Currently, the only information on workplace violence investigations that can systematically be retrieved is retrospective in nature, involving workplace violence fatalities. Employers are required to report workplace deaths, and under OSHA Instruction 2.113, *Fatality Inspection Procedures*, investigations are then conducted. Since 1994 there have been ten reported cases of workplace homicides that have been classified as resulting from workplace violence.

Regional and Area Tracking of Inspection Activity

The majority of the Regional Administrators we interviewed were unable to quantify how many complaint investigations or inspection activities were conducted in their regions on workplace violence issues in the past five years. They verified that there is no formal tracking of such information, and could only recall the counts anecdotally, or offered to contact their area offices to try to obtain the information.

A third of the Regional Administrators were in favor of improving reporting requirements for workplace violence, seeing the benefits primarily for allocating budgets, program planning and in fielding questions. They indicated that improved reporting would only be useful and effective if a clearer workplace violence policy is articulated. One Regional Administrator cited improved program planning and information dissemination as possible benefits to an enhanced record keeping system. Two Regional Administrators additionally cited the need for training for compliance staff on intake and coding.

RECOMMENDATION C:

We recommend that OSHA take the following actions:

- C.1: Develop a reporting system and train personnel on how to report workplace violence issues.
- C.2: Track and monitor workplace violence information in order to identify systemic issues related to workplace violence.

OSHA Response and OIG Conclusions

RECOMMENDATION A -

OSHA's Response to Recommendation A:

- **Recommendation A.1:** Provide guidance on whether citations should still be issued under the 5(a)(1) "general duty" clause for workplace violence issues.

OSHA Response: *"The field is to follow the guidance in the Field Inspection Reference Manual (FIRM) for the development of all cases. OSHA's policy relative to workplace violence remains as articulated in guidance to the Regional Administrators in a memorandum issued in 1996 after publication of the healthcare guidelines. That guidance stated that all proposed 5(a)(1) citations for workplace violence are to be submitted to the National Office for review and approval. (This memorandum is referred to in the OIG's report). The complexity of this issue due to different types and characteristics of workplace violence and its political ramifications requires that each case be evaluated on a case-by-case basis."*

- **Recommendation A.2:** Develop and disseminate guidance for its inspectorate on how to provide additional compliance assistance regarding workplace violence issues.

OSHA Response: *"As discussed in the OIG report, OSHA has issued three publications on workplace violence for specific industries. (These publications are all listed in the OIG's report). OSHA also maintains a web-page on workplace violence with links to a variety of workplace violence publications and statistics. We plan to issue a memorandum to the compliance assistance specialists in the field directing them to familiarize themselves with the publications on the web-page. There is adequate material on the web-page to enable them to provide compliance assistance to employers on the issue of workplace violence. In addition, the National Office Workplace Violence Coordinator is available to assist whenever necessary."*

OIG's Conclusion:

We consider Recommendation A.1 to be resolved and closed. We still have concerns that no citations have been issued since 1996, despite the fact that there have been over 3,500 workplace violence deaths and approximately 8 million workplace violence injuries in the past five years.

Additionally, we consider Recommendation A.2 to be resolved, and will be closed upon receipt of the memorandum provided to the compliance assistance specialists. Please provide a copy of this memorandum to this office by November 16, 2001.

RECOMMENDATION B -

OSHA's Response to Recommendation B:

- **Recommendation B.1:** Develop, implement and track the training of inspectors on workplace violence issues.

OSHA Response: "A component on workplace violence will be added to the initial compliance training course for compliance officers. The attendance of the compliance officers will be tracked by the OSHA Training Institute which provides their training. Attendance at these training modules is mandatory."

- **Recommendation B.2:** Develop and implement a method for systematically evaluating the effectiveness and impact of OSHA's external outreach efforts on the subject of workplace violence.

OSHA Response: "OSHA's Strategic Plan provides for the monitoring and tracking of all education and outreach. This will include workplace violence activities."

OIG's Conclusion:

We consider Recommendation B.1 to be unresolved. OSHA's Training Institute should not only provide a component on workplace violence issues in its initial compliance training course, but also in subsequent refresher courses.

Additionally, we consider Recommendation B.2 to be resolved. The recommendation will be closed pending our receipt of OSHA's plan for including workplace violence as part of its overall Strategic Plan to provide for monitoring and tracking of all education and outreach.

A status report should be provided to this office no later than January 18, 2002, which provides:

- 1) information pertaining to the content of workplace violence training both in initial and refresher training courses;
- 2) a description of the OTI's tracking system for insuring Compliance Officer attendance and completion of training courses, and
- 3) specific information on how OSHA will monitor and track its education and outreach, and what information will be tracked.

RECOMMENDATION C:

OSHA's Response to Recommendation C:

- **Recommendation C.1:** Develop a reporting system and train personnel on how to report workplace violence issues.

"The category of workplace violence will be added to the list of national optional identifications which allow for a search on the topic through IMIS. The compliance

officers will be instructed to use this category for the coding of any activities they perform related to workplace violence.”

- **Recommendation C.2: Track and monitor workplace violence information in order to identify systemic issues related to workplace violence**

“This is being done and will continue to be performed by OSHA’s Workplace Violence Program Coordinator. The Coordinator stays abreast of developments in the realm of workplace violence, networks with experts throughout the country, and informs top management of issues requiring their attention. The Regional Administrators advise the National Office of such issues as well.”

OIG’s Conclusion:

We consider this recommendation to be resolved and will be closed pending our receipt of the following by January 18, 2002:

- Documentation that the category of workplace violence is added to the list of national optional identifications which allow for a search on the topic through IMIS.
- Documentation of instructions for compliance officers on the use of this category for the coding of activities performed related to workplace violence.
- Documentation of a plan to systematically tabulate, analyze and disseminate data gathered from the IMIS pertaining to workplace violence.

APPENDIX
Agency Response

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



September 21, 2001

MEMORANDUM FOR: **WILLIAM H. PICKLE**
Assistant Inspector General
Office of Communications, Inspections
And Evaluations

FROM: **JOHN L. HENSHAW**
Assistant Secretary

SUBJECT: Response to Report No. 2E-10-105-0002
Evaluation of OSHA's Handling of Workplace
Violence Issues

We have received and reviewed the subject report as well as discussed specific corrective actions that we may employ to comply with the recommendations of the Office of Inspector General (OIG).

OSHA has undertaken various activities for at least eight years to address the problem of workplace violence, which is the number three cause of death in the workplace. We will continue to provide education and outreach and respond to complaints that we receive regarding this problem. This policy on workplace violence has been re-articulated to the Regional Administrators through a conference call in order to eliminate any confusion they may have regarding it.

OSHA's responses to the specific recommendations are as follows:

A.1 Provide guidance on whether citations should still be issued under the 5(a)(1) "general duty" clause for workplace violence issues.

The field is to follow the guidance in the Field Inspection Reference Manual (FIRM) for the development of all cases. OSHA's policy relative to workplace violence remains as articulated in guidance to the Regional Administrators in a memorandum issued in 1996 after publication of the healthcare guidelines. That guidance stated that all proposed 5(a)(1) citations for workplace violence are to be submitted to the National Office for review and approval. (This memorandum is referred to in the OIG's report). The complexity of this issue due to different types and characteristics of workplace violence and its political ramifications requires that each case be evaluated on a case-by-case basis.

A.2 Develop and disseminate guidance for its inspectorate on how to provide compliance assistance regarding workplace violence issues.

As discussed in the OIG report, OSHA has issued three publications on workplace violence for specific industries. (These publications are all listed in the OIG's report). OSHA also maintains a web-page on workplace violence with links to a variety of workplace violence publications and statistics. We plan to issue a memorandum to the compliance assistance specialists in the field directing them to familiarize themselves with the publications on the web-page. There is adequate material on the web-page to enable them to provide compliance assistance to employers on the issue of workplace violence. In addition, the National Office Workplace Violence Coordinator is available to assist whenever necessary.

B.1 Develop, implement and track the training of inspectors on workplace violence issues.

A component on workplace violence will be added to the initial compliance training course for compliance officers. The attendance of the compliance officers will be tracked by the OSHA Training Institute which provides their training. Attendance at these training modules is mandatory.

B.2 Develop and implement a method for systematically evaluating the effectiveness and impact of OSHA's external outreach efforts on the subject of workplace violence.

OSHA's Strategic Plan provides for the monitoring and tracking of all education and outreach. This will include workplace violence activities.

C.1 Develop a reporting system and train personnel on how to report workplace violence issues.

The category of workplace violence will be added to the list of national optional identifications which will allow for a search on the topic through IMIS. The compliance officers will be instructed to use this category for the coding of any activities they perform related to workplace violence.

C.2 Track and monitor workplace violence information in order to identify systemic issues related to workplace violence.

This is being done and will continue to be performed by OSHA's Workplace Violence Program Coordinator. The Coordinator stays abreast of developments in the realm of workplace violence, networks with experts throughout the country, and informs top management of issues requiring their attention. The Regional Administrators advise the National Office of such issues as well.

Additional corrections are marked on the document which is attached. We trust these planned activities are responsive to the findings and recommendations of your evaluation. If you have any questions, please contact Richard Fairfax at 693-2126.