Title 09
MARYLAND DEPARTMENT OF LABOR
Subtitle 12 DIVISION OF LABOR AND INDUSTRY
Chapter 30 Workplace Violence Standards

Authority: Labor and Employment Article, §§2-106(b)(5) and 5-1302, Annotated Code of Maryland

09.12.30.01 Scope.

A. This chapter applies to:

(1) public bodies; and

(2) covered employers as defined by this chapter.

B. This chapter is in addition to the requirements of §5-1101 et seq., under Labor and Employment Article, Annotated Code of Maryland, for health care facilities controlled by public bodies to establish workplace safety committees and programs.

09.12.30.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Authorized employee representative" means either a representative of a labor organization certified as the bargaining agent of a group of the employer's employees or a designated employee member of an established workplace safety committee.

(2) "Covered employer" means an employer that performs work for a public body, enters into a contract with a public body, or performs work under a subcontract for the benefit of a public body, and where one or more employees of the employer performs work:

(a) in one or more of the following sectors, as classified by the North American Industry Classification System 2022 Manual: transit and ground passenger transportation (485); investigation and security services (5616); elementary and secondary schools (6111); educational support services (6117); health care and social assistance (62); or any other sector that the Commissioner reasonably determines presents a comparable risk of workplace violence; or

(b) on a regular, recurring, or continuous basis at any facility, building, real property, or worksite owned, leased, operated, or controlled by a public body where the public body directs the work or exercises control over the work performed.

(3) "Establishment" has the meaning stated in 29 CFR § 1904.46.

(4) "Log" means the workplace violence log required by this chapter.

(5) "Plan" means the workplace violence prevention plan required by this chapter.

(6) "Public body" has the meaning stated in Labor and Employment Article, §5-101(h), Annotated Code of Maryland.

(7) "Threat of violence" means a statement, transmitted by any means, or conduct reasonably interpreted as conveying an intent to use a weapon or physical force against an employee and serves no legitimate purpose.

(8) "Workplace violence" means an act of violence or a threat of violence against an employee that occurs at a place of employment and that is not a lawful act of self-defense or defense of another person. "Workplace violence" includes, regardless of whether the employee is physically or psychologically injured, using or threatening to use physical force against an employee, or an incident involving the use of or threatening the use of a firearm or other dangerous weapon.

09.12.30.03 Risk Assessment.

A. Public bodies and covered employers shall conduct a risk assessment which includes at least an examination of relevant records, administrative factors, and the physical environment of each workplace to determine workplace violence risks and hazards that are reasonably able to be anticipated.

B. The risk assessment shall:

(1) examine at least

(a) Records compiled in the previous five years of employee injuries and illnesses pursuant to COMAR 09.12.21.02, and incidents of workplace violence in accordance with Regulation .05 of this chapter to identify sources, circumstances, and trends of workplace violence at the establishment;

(b) Current operations, policies, and procedures, such as job tasks, work shifts, scheduling demands, standard operating procedures, emergency action plans, and worksite safety and health programs including those pursuant to Labor and Employment Article, §5-1103, Annotated Code of Maryland, to identify risks of exposure to workplace violence at the establishment; and

(c) The physical environment in each workplace, including conducting an in-person inspection of each physical workplace where the public body owns or controls access to the premises, to identify potential workplace violence hazards at the establishment.

(2) include an evaluation of work activities, working conditions, and organizational factors to identify increased risks of workplace violence, and opportunities for eliminating or mitigating potential hazards;

(3) be conducted in coordination with the public bodies and other covered employers in each place of employment;

(4) include participation and involvement of non-managerial employees, and where applicable, authorized employee representatives; and

(5) be documented in a record identifying the workplace evaluated, the date(s) of the risk assessment, the names of all non-managerial employees and authorized employee representatives who participated in the risk assessment, and the name of the person certifying completion of the risk assessment.

C. Public bodies and covered employers shall conduct a new risk assessment and certification of its completion at least every three years and anytime when:

(1) work operations, administrative policies or procedures, or the physical environment of the workplace materially change; or

(2) review of the log indicates previously unidentified hazards, new patterns relevant to workplace violence, or increasing incidents of workplace violence at the establishment.

09.12.30.04 Workplace Violence Prevention Plan.

A. Public bodies and covered employers shall develop, implement, and maintain an effective, written workplace violence prevention plan designed to identify, prevent, minimize, and mitigate workplace violence hazards to the extent practicable.

B. The plan development and subsequent evaluations of the plan shall:

(1) consider the workplace violence risks, hazards, and mitigation measures identified in the most current risk assessment for each worksite of the public body or covered employer;

(2) include the participation and involvement of non-managerial employees and where applicable, authorized employee representatives; and

(3) be conducted in coordination with the public bodies and covered employers in each place of employment.

C. The plan shall be available and accessible to employees, authorized employee representatives, and MOSH upon request.

D. The plan shall include the following related to workplace violence prevention:

(1) A list of the risk factors and hazards identified under Regulation .03 of this chapter;

(2) Identification and evaluation of methods to eliminate or mitigate workplace violence hazards, including:

(a) Engineering, administrative, and work practice controls to be used to minimize employee exposure; and

(b) Where employee exposure remains after institution of engineering, administrative, and work practice controls, personal protective equipment to be used.

(3) Procedures to encourage, accept, respond to, and investigate reports of workplace violence, and to prohibit retaliation against an employee who makes a good faith report;

(4) Procedures to communicate response actions with employees after workplace violence incidents as appropriate;

(5) Procedures to solicit participation and involvement from non-managerial employees and authorized employee representatives in the development, implementation, maintenance, and review of the plan;

(6) Procedures to provide workplace violence training in accordance with Regulation .06 of this chapter;

(7) Procedures to respond to emergencies involving workplace violence;

(8) Procedures to communicate and coordinate the plan between public bodies and covered employers in each place of employment;

(9) Procedures to maintain and review logs and reports of workplace violence, maintain the confidentiality of individuals involved in reports of workplace violence, and share anonymized information with other public bodies and covered employers in each place of employment;

(10) Identifying persons responsible for implementing, maintaining, and reviewing the plan; and

(11) Procedures to evaluate and update the plan.

E. The plan shall be evaluated and updated at least once every three years, or more often, if necessary, to ensure the current plan is effective and reflective of the most current risk assessment.

F. The plan evaluation shall be documented to include the date of review and the name of the person(s) conducting and certifying the review.

G. The plan shall be shared with, and a copy provided to, other public bodies and covered employers in each place of employment.

H. Where employees of a public body or covered employer work on a regular, recurring, or continuous basis at a worksite controlled by another public body or covered employer, the employers may agree to divide plan roles and responsibilities or that one employer's plan shall cover all employees at the worksite, which shall be specified in each employer's plan.

I. Safety and health programs developed and implemented to meet other federal, state or local regulations, laws or ordinances are considered acceptable in meeting this requirement if those programs cover or are modified to include the requirements of this chapter.

09.12.30.05 Reporting and Recording Workplace Violence

A. Public bodies and covered employers shall establish and maintain systems to accept and respond to reports of workplace violence.

B. Public bodies and covered employers shall maintain a log of workplace violence incidents.

C. Except as provided in Subsection (I), the log shall contain at least the following information from employees who experienced workplace violence, witness statements, and any investigation findings:

(1) Date, time, and location of the workplace violence incident;

(2) A brief description of the incident;

(3) Whether a weapon was used in the incident and, if so, what kind;

(4) A categorization of the person(s) who committed the workplace violence, such as client, customer, coworker, intimate partner, relative, or stranger;

(5) A listing of the job titles of the employees who were victims of the workplace violence;

(6) Whether the workplace violence incident resulted in injuries or illnesses to any employees and, if so, the number of employees who experienced injuries or illnesses, the

nature of the injuries or conditions resulting from the incident, and the medical treatment provided to the employees involved;

(7) Whether law enforcement was involved; and

(8) Actions taken by the public body or covered employer in response to the workplace violence incident.

D. The information contained in the log shall:

(1) be recorded and maintained in such a manner as to protect the confidentiality of the employee(s) involved, including names and other personally identifiable information and other information made confidential by law, and;

(2) be reviewed:

(a) at least once every six months, and more often if necessary, to identify common sources, patterns, or increasing trends in workplace violence incidents;

(b) during the periodic risk assessment required under Regulation .03 of this chapter; and

(c) during evaluation of the plan required under Regulation .04 of this chapter.

E. All incidents determined by the public body or covered employer to be workplace violence shall be recorded on the log.

F. Acts of physical violence shall be investigated promptly to identify root causes and contributing factors and to determine whether additional mitigating measures are warranted.

G. Where an act of physical violence results in a recordable injury or illness in accordance with COMAR 09.12.21.02, a written report documenting the details and outcome of the investigation shall accompany the log.

H. Each public body or covered employer shall periodically share reports of workplace violence incidents with, and at least annually provide a copy of the log to, other public bodies and covered employers in each place of employment.

I. Reporting and recording systems developed and implemented to meet other federal, state or local regulations, laws or ordinances are considered acceptable if those systems cover or are modified to include the requirements of this chapter.

09.12.30.06 Training.

A. Public bodies and covered employers shall provide workplace violence training:

(1) to all employees, supervisors, and managers within 30 days of initial assignment;

(2) to all employees, managers, and supervisors at least every three years and each time the plan is updated;

(3) in a language and manner that all employees, supervisors, and managers can understand;

(4) in coordination with the public bodies and other covered employers in each place of employment;

B. The workplace violence training shall inform employees, supervisors, and managers of:

(1) Risk factors that cause or contribute to workplace violence;

(2) Workplace violence hazards associated with their job tasks, working conditions, and work environment;

(3) Ways to recognize warning signs or situations involving workplace violence;

(4) Ways to prevent and de-escalate aggressive, hostile, or volatile situations;

(5) Location, operation, and coverage of safety devices or other engineering controls designed to interrupt or mitigate the risk of workplace violence;

(6) Procedures for communicating about and responding to workplace violence;

(7) Roles and responsibilities of employees, supervisors, and management when reporting and responding to acts or threats of workplace violence;

(8) Administrative, work practice, and personal protective equipment policies, procedures, and controls that eliminate or reduce the risk of violence;

(9) Policies and procedures for recordkeeping and reporting workplace violence to the public body or covered employer and law enforcement without fear of reprisal, including employee rights under Labor and Employment Article, §5-604, Annotated Code of Maryland;

(10) The details, requirements, and availability of the written workplace violence prevention plan and how to obtain a copy;

(11) How to participate in the ongoing development, implementation, and maintenance of the plan; and

(12) The definitions and requirements of this chapter.

09.12.30.07 Recordkeeping.

A. Records of workplace violence hazard identification, evaluation, and methods or means implemented under Regulations .03 and .04 shall be maintained for a minimum of five years.

B. Training records shall be maintained for a minimum of three years and include dates of training, contents or a summary of the training sessions, names of people conducting the training, and names and job titles of all people attending the training sessions.

C. Workplace violence logs and investigation reports required by Regulation .05 shall be maintained for a minimum of five years.

D. All records required by this chapter shall be made available to MOSH upon request for examination and copying.