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

.01 Scope.

A. This chapter applies to:

(1) public bodies; and

(2) covered employers with respect to their covered employees.

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.

.02 Definitions.

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

B. Terms Defined.

(1) "Authorized employee representative" means:

(a) a representative of a labor organization certified as the bargaining agent of a group of the employer's employees; or

(b) a designated employee member of an established workplace safety committee.

(2) "Covered employee" means an employee:

(a) employed by a public body; or

(b) working under a contract with a public body, where:

(i) the work is performed on a regular, recurring, or continuous basis at any facility, building, real property, or other workplace owned, leased, operated, or controlled by a public body where the public body directs the work or exercises control over the work; or

(ii) the work:

1) Is not performed at a fixed location; and

2) *Involves:*

a) *public transit or ground passenger transportation;*

b) *investigation or security services;*

c) *health care or social services; or*

d) *any other sector that the Commissioner reasonably determines presents a comparable risk of workplace violence.*

(3) "Covered employer" means an employer that

(a) is not a public body; and

(b) employs one or more covered employees.

(4) "Engineering controls" means alterations to the physical work environment intended to reduce workplace violence hazards.

(5) "Log" means the workplace violence log required by Regulation .05B of this chapter.

(6) "Plan" means the workplace violence prevention plan required by Regulation .04 of this chapter.

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

(8) "Threat of violence" means a statement:

(a) transmitted by any means, or conduct reasonably interpreted as conveying an intent to use a weapon or physical force against a covered employee; and

(b) serving no legitimate purpose.

(9) "Workplace" means a place of employment.

(10) (a)"Workplace violence" means an act of violence or a threat of violence against a covered employee that occurs at a place of employment and that is not a lawful act of self-defense or defense of another person.

(b) "Workplace violence" includes, regardless of whether the covered employee is physically or psychologically injured, using or threatening to use physical force against a covered employee, or an incident involving the use of or threatening the use of a firearm or other dangerous weapon.

(11) "Workplace violence hazards" means workplace conditions that may, depending on the circumstances, increase the risk of workplace violence.

(12) "Work practice controls" means procedures and rules intended to reduce workplace violence hazards.

.03 Risk Assessment.

A. Public bodies and covered employers shall conduct a risk assessment to determine workplace violence risks and hazards that are reasonably able to be anticipated which includes at least an examination of:

(1) relevant records including but not limited to records set forth in §B;
(2) administrative factors; and
(3) the physical environment of each workplace.

B. In conducting the risk assessment, a public body or covered employer shall:

(1) examine at a minimum:

(a) (i) Records compiled in the previous five years of employee injuries and illnesses pursuant to COMAR 09.12.21.02; and

(ii) incidents of workplace violence in accordance with Regulation .05 of this chapter to identify sources, circumstances, and trends of workplace violence; and

(b) Current operations, policies, and procedures, to identify risks of exposure to workplace violence at the establishment such as:

(i) job tasks, work shifts, scheduling demands, standard operating procedures, and emergency action plans; and

(ii) workplace 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;

(2) where the public body controls access to the physical workplace, conduct an in-person inspection of each workplace to identify potential workplace violence hazards;

(3) where the work is not performed at a fixed location and an in-person inspection is not feasible, such as in private properties or public streets, consider the physical environment in which that work is performed to identify potential workplace violence hazards;

(4) evaluate work activities, working conditions, and organizational factors to identify risks of workplace violence, and opportunities for eliminating or mitigating potential workplace violence hazards; and

(5) incorporate participation and involvement of non-managerial covered employees, and where applicable, authorized employee representatives.

C. A public body or covered employer shall coordinate its risk assessment with other public bodies and covered employers in each place of employment.

E. A public body or covered employer shall document the risk assessment in a record identifying:

(1) the workplace evaluated,

(2) the date(s) of the risk assessment,

(3) the names of each non-managerial covered employee and authorized employee representative who participated in the risk assessment, and

(4) the name of the person certifying completion of the risk assessment.

F. Public bodies and covered employers shall conduct a new risk assessment and certification of its completion at a minimum:

(1) every three year, and

(2) At a time when:

(a) work operations, administrative policies or procedures, or the physical environment of the employer-controlled workplace materially change; or

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

.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:

(a) non-managerial covered employees, and

(b) 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 covered 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 workplace violence 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; and

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

(3) Identification of the persons responsible for implementing, maintaining, and reviewing the plan;

(4) Procedures to:

(a) encourage, accept, respond to, and investigate reports of workplace violence, and to prohibit retaliation against a covered employee who makes a good faith report;
(b) communicate response actions with covered employees after workplace violence incidents as appropriate;
(c) solicit participation and involvement from non-managerial covered employees and authorized employee representatives in the development, implementation, maintenance, and review of the plan;
(d) provide workplace violence training in accordance with Regulation .06 of this chapter;
(e) respond to emergencies involving workplace violence;

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

(g) (i) maintain and review logs and reports of workplace violence,

(ii) maintain the confidentiality of individuals involved in reports of workplace violence, and

(iii) share anonymized information with other public bodies and covered employers in each place of employment; and

(h) evaluate and update the plan.

E. A public body or covered employer shall evaluate and update the plan:

(1) at least once every three years; and

(2) 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:

(1) the date of review; and

(2) 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 covered employees work on a regular, recurring, or continuous basis at a workplace controlled by another public body or covered employer, the employers may agree:

(1) to divide plan roles and responsibilities, or

(2) that one employer's plan shall cover all covered employees at the workplace, 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.

.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 §(I) of this Regulation, the log shall contain at least the following information obtained from covered 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, for example, client, customer, coworker, intimate partner, relative, or stranger;

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

(6) Whether the workplace violence incident resulted in injuries or illnesses to any covered employees and, if so:

(a) the number of covered employees who experienced injuries or illnesses,
(b) the nature of the injuries or conditions resulting from the incident, and
(c) the medical treatment provided to the covered 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 a manner as to protect the confidentiality of the employee(s) involved, including:

(a) names and other personally identifiable information; and
(b) other information made confidential by law; and

(2) be reviewed:

(a) (i) at a minimum quarterly, and
(ii) 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 and determine

(1) root causes;

(2) contributing factors; and

(3) 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:

(1) periodically share reports of workplace violence incidents with other public bodies and covered employers in each place of employment; and

(2) 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.

.06 Training.

A. Public bodies and covered employers shall provide workplace violence training to each covered employee, supervisor, and manager:

(1) within 30 days of initial assignment;

(2) at a minimum every three years;

(3) each time the plan is updated;

(4) in a language and manner that each covered employee, supervisor, and manager can understand; and

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

B. The workplace violence training shall inform each covered employee, supervisor, and manager 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) Methods to recognize warning signs or situations involving workplace violence;

(4) Methods 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 covered 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;

(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.

.07 Recordkeeping.

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

B. Training records shall be maintained for a minimum of three years and include:

(1) dates of training,

(2) contents or a summary of the training sessions,

(3) names of people conducting the training, and

(4) names and job titles of all people attending the training sessions.

C. Workplace violence logs and investigation reports required by Regulation .05 of this chapter 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.