

ASSEMBLY, No. 1160

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

SYNOPSIS

Requires certain employers to develop and implement programs to prevent workplace violence.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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1 **AN ACT** requiring employers to develop and implement programs to
2 prevent workplace violence and supplementing Title 34 of the
3 Revised Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. The growing occupational hazard of workplace violence is the
10 cause of great personal hardship for many New Jersey workers and
11 their families, as well as a source of significant disruption and
12 expense for their employers;

13 b. Nationally, almost one million workers are injured each year
14 by violence on the job, with homicide being the second largest
15 cause of workplace death for all workers and the leading cause of
16 workplace death for women workers;

17 c. Violence by co-workers accounts for less than one out of
18 every twenty workplace homicides;

19 d. Many workers and employers nonetheless remain unaware of
20 the severity of the problem and its profound negative impact on the
21 well-being of workers and the efficiency of the operations of their
22 employers;

23 e. Cooperative efforts of employers and employees to evaluate
24 the hazards of workplace violence and efforts of employers to
25 implement worker protection programs have proved to be highly
26 effective in reducing the incidence of injury and death from
27 workplace violence; and

28 f. It is therefore an appropriate public purpose to ensure that
29 employers evaluate, in cooperation with their employees, the
30 hazards of workplace violence and develop and implement
31 programs to minimize those hazards.

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33 2. For the purpose of this act, "employer" means:

34 a. A corporation, partnership, individual proprietor, joint
35 venture, firm, company or other similar entity employing five or
36 more employees; or

37 b. The State or any instrumentality of the State.

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39 3. Each employer shall evaluate, in cooperation with the
40 employees of the employer and any labor organization representing
41 the employees, all factors which may put any of the employees at
42 risk of workplace assaults and homicide. The factors shall include,
43 but not be limited to: working in public settings; guarding or
44 maintaining property or possessions; working in high-crime areas;
45 working late night or early morning hours; exchanging money with
46 the public; working alone or in small numbers; uncontrolled public
47 access to the workplace; and working in areas with known security
48 problems.

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1 4. Based on the findings of the evaluation, the employer shall
2 develop and implement a program to minimize the danger of
3 workplace violence to employees, which shall include appropriate
4 employee training and a system for the ongoing reporting and
5 monitoring of incidents and situations involving violence or the risk
6 of violence. The program shall be described in a written violence
7 prevention plan. The plan shall be made available to each employee
8 and provided to an employee upon request and shall be provided to
9 any labor organization representing any of the employees. The plan
10 shall include: a list of the factors which may endanger the
11 employees; a description of the methods that the employer will use
12 to alleviate hazards associated with each factor, including, but not
13 limited to, employee training and any appropriate changes in job
14 design, staffing, security, equipment or facilities; and a description
15 of the reporting and monitoring system.

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17 5. Any employer who knowingly and willingly violates the
18 provisions of this act shall be liable for a penalty of not less than
19 \$100 or more than \$500 to be collected in a civil action by a
20 summary proceeding under the "Penalty Enforcement Law of
21 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

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23 6. The Commissioner of Labor shall, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.), adopt rules and regulations necessary to implement the
26 purposes of this act. These rules and regulations shall include such
27 guidelines as the commissioner deems appropriate regarding
28 workplace violence prevention programs required pursuant to this
29 act, and related reporting and monitoring systems and employee
30 training.

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32 7. This act shall take effect immediately.

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STATEMENT

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37 This bill requires each private employer of five or more
38 employees, as well as the State, to evaluate, in cooperation with its
39 employees and any labor organization representing its employees,
40 all factors which may put any of the employees at risk of workplace
41 assaults and homicide. The employer is required to develop and
42 implement a program to minimize the danger of workplace violence
43 to the employees, including employee training and a system for the
44 ongoing reporting and monitoring of incidents and situations
45 involving violence or the risk of violence. The bill requires that the
46 program be described in a written violence prevention plan made
47 available to employees and any labor organization representing
48 them. The plan shall include a list of factors endangering the

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- 1 employees, a description of the methods that the employer will use
- 2 to address each factor, such as the use of security, equipment,
- 3 changes in job design, staffing, and employee training; and a
- 4 description of the reporting and monitoring system.