

HOUSE No. 1656

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring human service employers to develop and implement programs that prevent workplace violence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/10/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 1656

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 1656) of Jay D. Livingstone and Paul Brodeur relative to requiring human service employers to develop and implement programs that prevent workplace violence. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1023 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act requiring human service employers to develop and implement programs that prevent workplace violence.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the general laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after section 129D, the following new section:-

3 Section 129E. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Employee”, an individual employed by a human service employer as defined in this
6 section.

7 “Human service employer”, any individual, partnership, association, corporation or, trust
8 or any person or group of persons operating a human service agency as defined in this section
9 and employing five or more employees.

10 “Human service agency”, an individual, partnership, association, corporation or trust or
11 any person or group of persons that employs human service providers, including any public
12 facility subject to licensing by, or operated by any division or department of the executive office
13 of health and human services; any private, county or municipal facility, department or unit or
14 vendor which is licensed or subject to licensing by any division or department of the executive
15 office of health and human services.

16 (b) Each human service employer shall annually perform a risk assessment, in
17 cooperation with the employees of the human service employer and any labor organization or
18 organizations representing the employees, all factors, which may put any of the employees at risk
19 of workplace assaults and homicide. The factors shall include, but not be limited to: working in
20 public settings; guarding or maintaining property or possessions; working in high-crime areas;
21 working late night or early morning hours; working alone or in small numbers; uncontrolled
22 public access to the workplace; working in public areas where people are in crisis; working in
23 areas where a patient or resident may exhibit violent behavior; working in areas with known
24 security problems and working with a staffing pattern insufficient to address foreseeable risk
25 factors.

26 (c) Based on the findings of the risk assessment, the human service employer shall
27 develop and implement a program to minimize the danger of workplace violence to employees,
28 which shall include appropriate employee training and a system for the ongoing reporting and

29 monitoring of incidents and situations involving violence or the risk of violence. Employee
30 training shall include, in addition to all employer training program policies, methods of reporting
31 to appropriate public safety officials, bodies or agencies and processes necessary for the filing of
32 criminal charges., Each human service employer shall develop a written violence prevention plan
33 setting forth the employer's workplace violence prevention plan. The human service employer
34 shall make the plan available to each employee and provide the plan to any of its employees
35 upon their request. The human service employer shall provide the plan to any labor organization
36 or organizations representing any of its employees. The plan shall include, but not limited to: (i)
37 a list of those factors and circumstances that may pose a danger to employees; (ii) a description
38 of the methods that the human service employer will use to alleviate hazards associated with
39 each factor; including, but not limited to, employee training and any appropriate changes in job
40 design, staffing, security, equipment or facilities; and (iii) a description of the reporting and
41 monitoring system.

42 (d) Each human service employer shall designate a senior manager responsible for the
43 development and support of an in-house crisis response team for employee-victims of workplace
44 violence. Said team shall implement an assaulted staff action program that includes, but is not
45 limited to, group crisis interventions, individual crisis counseling, staff victims' support groups,
46 employee victims' family crisis intervention, peer-help and professional referrals.

47 (e) The commissioner of labor shall adopt rules and regulations necessary to implement
48 the purposes of this act. The rules and regulations shall include such guidelines as the
49 commissioner deems appropriate regarding workplace violence prevention programs required
50 pursuant to this act, and related reporting and monitoring systems and employee training.

51 (f) Any human service employer who violates any rule, regulation or requirement made
52 by the department under authority hereof shall be punished by a fine of not more than two
53 thousand dollars for each offense. The department or its representative or any person aggrieved,
54 any interested party or any officer of any labor union or association, whether incorporated or
55 otherwise, may file a written complaint with the district court in the jurisdiction of which the
56 violation occurs and shall promptly notify the attorney general in writing of such complaint. The
57 attorney general, upon determination that there is a violation of any workplace standard relative
58 to the protection of the occupational health and safety of employees or of any standard of
59 requirement of licensure, may order any work site to be closed by way of the issuance of a cease
60 and desist order enforceable in the appropriate courts of the commonwealth.

61 (g) No employee shall be penalized by a human service employer in any way as a result
62 of such employee's filing of a complaint or otherwise providing notice to the department in
63 regard to the occupational health and safety of such employee or their fellow employees exposed
64 to workplace violence risk factors.