



PREVENTING VIOLENCE AGAINST BUS OPERATORS

A FACTSHEET FOR LOCAL UNIONS

U.S. version

ATU and TWU are working together to stop the epidemic of workplace violence against transit workers across the US and Canada. Workplace violence means *any physical assault, threatening behavior, or verbal abuse that occurs in the course of any work-related duty.*

Bus operators in particular are frequently the targets of verbal or physical assault. An estimated 40% of Canadian drivers are attacked while on duty during the course of their careers. New York City bus drivers were assaulted 236 times in 2009 and assaults are up 30% since then. A 2012 ATU/TWU survey found that 2/3 of the 84 responding locals considered operator assault to be an important issue.

All workers have a right to be safe at work. It should not be up to the individual worker to defend himself or herself. Employers should be responsible for ensuring workplace safety, including preventing attacks on workers and passengers. Government agencies should ensure that employers fulfill their responsibilities. Workers and unions should also have a say in the design and implementation of proposed remedies.

ATU and TWU have formed a joint committee to:

- Educate and activate union members about workplace violence and its causes and prevention,
- Provide support to local unions with collective bargaining, training, and other strategies,
- Meet with government agencies such as OSHA and NIOSH, and
- Reach out to the public, the media, and elected officials to make our concerns known.



RISK FACTORS THAT CAN LEAD TO VIOLENCE

A *risk factor* is any condition that increases the likelihood that harm will occur. Bus operators face most of the known risk factors for workplace violence, including:

- Interacting directly with the public
- Working alone or in isolated areas
- Having a mobile workplace
- Working late night or early morning hours
- Working in high crime areas
- Providing services to people who may be experiencing frustration (for example, with fare increases or service reductions)
- Having a workplace where access is uncontrolled
- Handling money or fares
- Having enforcement responsibilities
- Having inadequate escape routes.

REDUCING THE RISKS

The first steps in reducing workplace violence are for employers, workers, and unions to **identify and evaluate risk factors** and **consider possible solutions**. Government and union health and safety professionals usually recommend considering **physical (engineering) controls** first. These controls are aimed at making it difficult or impossible for an attacker to inflict harm on an operator. **Procedural controls, workplace violence prevention programs (WVPPs), public education campaigns, and legislative initiatives** are also important. Physical and procedural controls and workplace violence prevention programs can be bargained. WVPP is required by some state laws. (Public sector unions were instrumental in proposing and enacting these laws.) A public education campaign can be bargained or implemented unilaterally by the union.



PHYSICAL CONTROLS might include:

- *Barriers* (partitions) between drivers and passengers.
- Left-side *driver exit doors*.
- *Security cameras* to discourage violent behavior and identify the perpetrator if an assault does occur.
- *Silent alarms* and *radio communication* to allow drivers to safely request help.
- *Vehicle tracking devices*, such as global positioning satellite (GPS) systems, to locate a driver in distress.
- *Improved interior and bus stop lighting* to allow the operator to be aware of passenger behavior.

Transit operators may sometimes disagree with the way employers implement some of these controls. For example, some barriers may be too confining, reduce visibility, or interfere with communication. These are legitimate concerns. That is why it is essential for workers and unions to be involved in the selection, design, and implementation of violence remedies.

PROCEDURAL CONTROLS might include:

- Cashless fare collection.
- Elimination of operator enforcement responsibilities.
- Onboard police presence and/or increased police patrols and stops.
- De-escalation training and procedures.

OTHER MEASURES TO REDUCE VIOLENCE

A **media campaign** aimed at enlisting the support of the public can reduce assaults and increase respect for operators. Successful media campaigns address passenger safety concerns as well as driver protection.

A **workplace violence prevention program** can be collectively bargained or legislatively enacted (for example, the New York State Public Employer Workplace Violence Prevention Law). A workplace violence prevention program is a key step in eliminating or reducing violence. The program should include requirements for:

- Risk assessment for all types of workplace violence
- A written plan identifying the methods the employer will use to address each risk factor
- Annual training on the workplace violence prevention program, and
- A statement of employer commitment and specific methods for meaningful employee and union participation.

Many union locals have been successful at getting **felony assault legislation** passed. These laws raise penalties for assaults and may involve measures to increase public awareness. Some legislation has resulted in increased arrests and prosecutions of perpetrators. Others have been less successful. The actual effectiveness of this type of legislation - how well it deters and reduces assaults - is not yet known.

WHAT ABOUT DRIVER SELF-DEFENSE?

Transit agencies sometimes promote driver self-defense. While some unions support this, others do not. Self-defense measures usually focus on training to physically defend oneself if attacked. Less often, operators are provided with pepper spray or even permitted to carry firearms.



There are multiple reasons why many unions consider self-defense to be an ineffective anti-violence strategy. These include:

- Operators who use self-defense with the intent of minimizing injury to themselves may then be drawn into escalating violence, resulting in greater risk of injury to themselves and to others.
- Operators who engage physically with an assailant may be subject to disciplinary action in disputed cases.
- The self-defense approach shifts the responsibility for worker safety from the employer to the worker. It leaves the worker entirely responsible for his or her own protection, even though there may be other available and more protective measures that could be implemented by the employer.

Because of these drawbacks, self-defense strategies generally should not be used unless and until all possible alternative measures have been investigated and tried.

ENFORCING OUR RIGHTS

The federal Occupational Safety and Health Administration (OSHA) is responsible for ensuring workplace safety and health. It does so under the Occupational Safety and Health (OSH) Act. Although the OSH Act does *not* include a workplace violence standard, employers are still responsible for preventing assaults.

The General Duty Clause of the OSH Act requires employers to provide workplaces "free from recognized hazards" that may cause death or serious physical harm. This allows OSHA to issue workplace violence citations to employers under the General Duty Clause even though there is no violence standard. OSHA uses 3 criteria to determine whether to issue a workplace violence citation:

1. Whether there are known risk factors present,
2. Whether there is industry and/or employer recognition of the violence hazards, and
3. Whether effective control methods are available but not in use.



OBSTACLES TO LEGAL ENFORCEMENT OF OUR OSHA RIGHTS

Private sector employers come under OSHA jurisdiction. Public sector employers in locations with "state plans" are also covered (Alaska, Arizona, California, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Island, Virginia, Washington, and Wyoming). Under a state plan, all OSHA requirements apply to public sector employers but enforcement is by a state agency rather than by OSHA.

ATU needs to collect more information so that

we can effectively make our case to OSHA on the need for enforcement in the transit industry.

We need your assistance! Help us get data on:

- Frequency, type, and circumstances of assaults in your local
- Physical or mental harm incurred, fatalities
- Lost work times and costs
- Assault-related accidents
- Disciplinary action or retaliation against bus operators
- Collective bargaining language
- Employer policies
- Employer workplace violence prevention programs.

HOW CAN LOCAL UNIONS PROTECT MEMBERS AGAINST ASSAULT?

- Get training on the issues and skills you need for effective health and safety action.
- Educate and activate your members – conduct training and strategy sessions.
- Negotiate collective bargaining language.
- Negotiate a workplace violence prevention program.
- Negotiate specific remedies.
- Build coalitions to legislate a workplace violence prevention law and/or a felony assault law.
- Conduct public education campaigns.
- Reach out to elected officials and government and industry agencies.
- Help ATU collect violence data.
- In worst case scenarios, consider filing an OSHA or state plan charge. (Caution - this takes careful preparation and should be done only in close coordination with the International Union.)

For assistance with training, strategizing, coalition-building, collective bargaining, and data collection, contact the International Union .