

2023 Regular Session

HOUSE BILL NO. 313

BY REPRESENTATIVE LARVADAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMPLOYMENT: Provides relative to workplace violence in certain commercial settings

1 AN ACT

2 To enact Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 23:271 through 276, relative to workplace violence in certain
4 commercial settings; to provide definitions; to provide for signage requirements; to
5 require a workplace violence prevention plan; to require the Louisiana Workforce
6 Commission to publish and maintain on its website information regarding workplace
7 violence; to provide for record keeping; to provide for the promulgation of rules; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part III of Chapter 3 of Title 23 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 23:271 through 276, is hereby enacted to read as follows:

12 PART III. WORKPLACE VIOLENCE

13 §271. Purpose

14 The purpose of this Part is to protect the health and safety of employees of
15 commercial entities by establishing policies and practices that properly and
16 efficiently address, mitigate, and, whenever possible, prevent workplace violence in
17 commercial settings.

18 §272. Definitions

19 As used in this Part, the following terms have the following meanings
20 ascribed to them:

1 (1) "Aggressor" means a person who is lawfully or unlawfully, including but
2 not limited to a former or current employee, a customer, or an individual who has a
3 personal relationship or connection with a current employee, on a commercial
4 entity's premises and whose actions result in workplace violence.

5 (2) "Commercial entity" means any corporation or business entity that
6 globally employs twenty or more employees, whether seasonally, temporarily, or on
7 a part-time or full-time basis, and its main functional purpose is to provide a
8 consumer with retail products or services.

9 (3) "Department" means the Louisiana Workforce Commission.

10 (4) "Employee" means any person who performs services for wages or salary
11 under a contract of employment, express or implied, for a commercial entity.

12 (5) "Workplace violence" means any of the following acts that occur on a
13 commercial entity's premises by an aggressor against an employee during the
14 employee's work hours:

15 (a) The threat or use of physical force against an employee that may result
16 in injury, psychological trauma, or stress, regardless of whether the employee
17 sustains the injury, trauma, or stress.

18 (b) The threat or use of verbal, psychological, or mental intimidation,
19 including but not limited to harassment or stalking.

20 (c) An incident involving the threat or use of a firearm or other dangerous
21 weapon, regardless of whether the employee sustains an injury.

22 §273. Commercial entities; signage requirements

23 A. A commercial entity shall display at its premises at least one sign that
24 conforms with the specifications provided for in Subsection B of this Section and
25 indicates that workplace violence against an employee will not be tolerated and could
26 result in a conviction under applicable criminal laws.

27 B. Each sign displayed in accordance with the requirements of this Section
28 shall conform to all of the following specifications:

1 (1) The sign shall be posted in a conspicuous location in a publicly
2 accessible area of the commercial entity and, if applicable, in a break room utilized
3 by all employees.

4 (2) The sign shall be at least eighteen inches tall and eighteen inches wide
5 and written in the English language with letters not less than one square inch in size.

6 §274. Workplace violence prevention plan

7 A.(1) Each commercial entity shall establish, implement, and maintain an
8 efficient workplace violence prevention plan herein referred to in this Section as the
9 "plan". The plan shall be in writing and available to all employees at all times.

10 (2) The plan shall include, at a minimum, all of the following:

11 (a) The method by which an employee may access the plan.

12 (b) The policy in place to prevent workplace violence.

13 (c) The procedure for responding to and reporting workplace violence.

14 (d) Any resources or training policies in place to educate employees on
15 workplace violence.

16 (e) A list of resources available to employees, who have suffered from
17 workplace violence, to utilize in order to recuperate from workplace violence.

18 (f) A policy in place to annually assess any changes in the number of
19 workplace violence incidents. If there has been an increase in workplace violence
20 incidents, the commercial entity shall assess any factors that may have contributed
21 to the increase and implement any additional procedures to prevent or mitigate such
22 factors.

23 B. The commercial entity may work in conjunction with the department in
24 developing a workplace violence prevention plan.

25 §275. Workplace violence; public information

26 A. The department shall develop, publish, and maintain on its website public
27 information regarding the issue of workplace violence.

28 B. The public information shall include, at a minimum, all of the following:

1 (1) Any statistics regarding workplace violence incidents that occur in this
2 state and nationwide.

3 (2) Any training and educational resources on how to recognize and address
4 workplace violence.

5 (3) The best practices and procedures to prevent or mitigate workplace
6 violence.

7 (4) Any resources and information that can assist in the development and
8 implementation of a workplace violence prevention plan.

9 C. Each March first, and annually thereafter, the department shall update its
10 website to reflect any changes in resources, statistics, and information regarding
11 workplace violence.

12 §276. Record keeping

13 A.(1) For each workplace violence incident, the commercial entity shall
14 complete a workplace violence incident form herein referred to in this Section as the
15 "form".

16 (2) The department shall promulgate all rules as are necessary to implement
17 the use of the form, including but not limited to all of the following:

18 (a) The creation of the form.

19 (b) The manner and method in which the department will provide the form
20 to commercial entities.

21 B. The form shall, at a minimum, include all of the following:

22 (1) The name and job title of the person completing the form.

23 (2) The name and job title, if applicable, of the employee and aggressor.

24 (3) The date, time, and location of the incident.

25 (4) A description of the incident from the employee and, if applicable,
26 witness.

27 (5) Any measures taken to resolve the incident.

28 (6) Any other metrics the department deems as necessary for the completion
29 of the form.

1 C. The commercial entity shall maintain a copy of each form for a minimum
2 of five years.

3 D.(1) Each December thirty-first, and annually thereafter, the commercial
4 entity shall submit to the department a report indicating the number of workplace
5 violence incidents that occurred on the commercial entity's premises that year.

6 (2) The department shall determine the manner and method in which the
7 commercial entity submits the report.

8 (3) The commercial entity and department shall maintain a copy of each
9 report for a minimum of five years.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 313 Original

2023 Regular Session

Larvadain

Abstract: Requires signage and plans to address workplace violence in certain commercial settings.

Proposed law provides that the purpose of proposed law is to afford certain protections to employees of commercial entities by establishing policies and practices that properly and efficiently address, mitigate, and, whenever possible, prevent workplace violence in commercial settings.

Proposed law defines "aggressor", "commercial entity", "department", "employee", and "workplace violence".

Proposed law requires a commercial entity to display, at its premises, signage stating that workplace violence against an employee will not be tolerated and could result in a conviction under applicable present law.

Proposed law provides the specifications to which the signage must conform.

Proposed law requires a commercial entity to establish, implement, and maintain an efficient workplace violence prevention plan, herein referred to as the "plan". Proposed law further requires the plan to be in writing and available to all employees at all times.

Proposed law provides that the plan shall include, at a minimum, all of the following:

- (1) The method by which an employee may access the plan.
- (2) The policy in place to prevent workplace violence.
- (3) The procedure for responding to and reporting workplace violence.
- (4) Any resources or training policies in place to educate employees on workplace violence.

- (5) A list of resources available to employees, who have suffered from workplace violence, to utilize in order to recuperate from workplace violence.
- (6) A policy in place to annually assess any increases or decreases in workplace violence incidents. If there has been an increase in workplace violence incidents, the commercial entity shall assess any factors that may have contributed to the increase and implement any additional procedures to prevent or mitigate such factors.

Proposed law allows the commercial entity to work in conjunction with the La. Workforce Commission (LWC) in order to develop a plan.

Proposed law requires LWC to develop, publish, and maintain public information regarding the issue of workplace violence on its website.

Proposed law provides that the public information shall include, at a minimum, all of the following:

- (1) Any statistics regarding workplace violence incidents that occur in this state and nationwide.
- (2) Any training and educational resources on how to recognize and address workplace violence.
- (3) The best practices and procedures to prevent or mitigate workplace violence.
- (4) Any resources and information that can assist in the development and implementation of a workplace violence prevention plan.

Proposed law provides that each March 1st, and annually thereafter, LWC shall update its website to reflect any changes in resources, statistics, and information regarding workplace violence.

Proposed law requires the commercial entity to complete a workplace violence incident form, herein referred to as the form, for each workplace violence incident.

Proposed law requires LWC to promulgate all rules as are necessary to implement the use of the form, including but not limited to all of the following:

- (1) The creation of the form.
- (2) The manner and method in which LWC will provide the form to commercial entities.

Proposed law provides that the form shall, at a minimum, include all of the following:

- (1) The name and job title of the person completing the form.
- (2) The name and job title, if applicable, of the employee and aggressor.
- (3) The date, time, and location of the incident.
- (4) A description of the incident from the employee and, if applicable, witness.
- (5) Any measures taken to resolve the incident.
- (6) Any other metrics LWC deems as necessary for the completion of the form.

Proposed law requires the commercial entity to maintain a copy of each form for a minimum of five years.

Proposed law provides that, each Dec. 1st, and annually thereafter, the commercial entity must submit to LWC a report indicating the number of workplace violence incidents that have occurred on the commercial entity's premises that year. Proposed law further provides that LWC will determine the manner and method in which the commercial entity submits the report.

Proposed law requires both the commercial entity and LWC to maintain a copy of each report for a minimum of five years.

(Adds R.S. 23:271-276)