

OSHA Publishes Updated Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers

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The Occupational Safety and Health Administration (OSHA) has released a newly updated publication, "Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers." This publication updates guidelines on workplace violence previously published in 1996 and 2004, and is available on the OSHA website (www.osha.gov). Given the frequent and increasingly disturbing news reports of workplace violence, these guidelines are both timely and welcome.

The publication makes clear that the guidelines are "advisory in nature" and meant to provide helpful information for healthcare sector employers. The guidelines are not meant to create new legal obligations or alter any existing obligations under OSHA. The stated purpose of the publication is to provide a flexible framework to assist employers in developing policies and procedures to reduce or eliminate workplace violence in a variety of healthcare and social services settings. The target audience for the publication includes the following employment settings: hospitals; residential treatment centers such as nursing homes and long-term care facilities; non-residential treatment/service settings such as small neighborhood clinics; community care settings such as group homes; and field work, such as home healthcare workers or social workers who make home visits.

Pursuant to OSHA's general duty clause, employers are required to provide employees "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." 29 U.S.C. § 654, 5(a)(1). The healthcare and social services fields are particularly prone to incidents of workplace violence. According to OSHA, "for healthcare workers, assaults comprise 10-11% of workplace injuries involving days away from work, as compared to 3% of all private sector employees."

OSHA believes that healthcare employers can significantly reduce the risk of workplace violence by identifying and assessing the risk hazards in each workplace and establishing violence prevention programs tailored to reduce these risk hazards. The guidelines recognize that each workplace is different and will pose its own unique set of risks. Therefore, the recommendations are designed to be adaptable. Throughout the guidelines, OSHA encourages employers to seek input from workers on the front lines, as well as at all levels within the organization, in order to engage the workforce and gain a practical perspective on the kinds of activities that make workers feel unsafe.

The OSHA guidelines provide a listing of the various types of risk factors that arise in the healthcare and social services settings. These include patient-related risk factors, such as working with patients and family members who have a history of violence, as well as organizational risk factors, such as understaffing and high turnover. The guidelines then go on to describe the agency's recommendations for written workplace violence prevention programs. OSHA recommends that such programs include the following topics: (1) management commitment and employee participation, (2) worksite analysis, (3) hazard prevention and control, (4) safety and health training and (5) recordkeeping and program evaluation. In addition, employers are reminded to be aware of any additional state law requirements addressing workplace violence. The guidelines also include checklists to assist employers in identifying risk factors.

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Employers in healthcare and social services settings are encouraged to familiarize themselves with these new guidelines. While it would be impossible to prevent all instances of workplace violence, a well-tailored and up-to-date workplace violence protection program, combined with training and commitment from all levels of an organization, can be helpful.

If you have questions about OSHA regulations or other labor and employment matters, contact Tanya Salgado (215.864.6368; salgadot@whiteandwilliams.com), John Baker (610.782.4913; bakerj@whiteandwilliams.com) or any member of our Labor and Employment group.

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