

Blog Post

Rx for Safety: Workplace Violence Policies in Healthcare Settings

February 16, 2024

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Hospitals, urgent care clinics, doctors' offices — these are the places we go when we are sick and want to get better. Doctors, nurses, and other healthcare workers are the people who treat us, help us recover, and even save our lives in medical emergencies.

Yet according to the [U.S. Bureau of Labor Statistics](#), healthcare workers are five times more likely to experience workplace violence than workers in all other industries, and this statistic has only increased since the COVID-19 pandemic. Because of this rising concern, the Occupational Safety and Health Administration (OSHA) has identified violence in healthcare settings as a significant occupational risk, and many states have already begun to mandate workplace violence standards for the healthcare industry.

In light of this increasing risk, and the emerging legislative response, hospitals and other healthcare facilities should use this opportunity to review and refresh (or possibly even create) comprehensive workplace violence policies.

What Does the Law Require?

Federal Level

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Health Law Rx

While there is currently no federal law establishing a duty to protect workers from workplace violence, employers do have a duty to provide a safe working environment under the Occupational Safety and Health Act, which is enforced by OSHA. In addition, OSHA has stated that it is in the early stages of developing a potential standard, “Prevention of Workplace Violence in Healthcare and Social Assistance.” In the meantime, OSHA has provided guidance on preventing workplace violence for healthcare and social service workers.

In its guidance, OSHA notes an effective workplace violence prevention program should include several key components, such as: (1) management commitment and worker participation, (2) worksite analysis, (3) hazard prevention and control, (4) safety and health training, and (5) recordkeeping and program evaluation. All of these factors should be considered for the specific workplace in question.

State Level

Although there is currently no federal mandate, several states have begun implementing laws aimed at curbing workplace violence against healthcare workers.

California was at the forefront of this issue when it implemented its Violence Prevention in Health Care law back in 2017 (Cal. Health & Safety Code § 3342). This law applies to healthcare facilities, services, and operations and generally requires employers to establish, implement, and maintain an effective workplace violence prevention plan that is in writing, specific to the hazards and corrective measures of the workplace, and available to workers at all times. California also recently enacted California Senate Bill 553 (SB 553), which establishes similar workplace safety standards for nearly all other California employers.

Texas Senate Bill 240 (SB 240), which was enacted in September 2023, requires that healthcare facilities

adopt written workplace violence prevention policies and plans by September 1, 2024. Similar to the California law, SB 240 requires each covered facility to establish a workplace violence committee to develop the workplace violence prevention plan. The committee must include at least one registered nurse who provides direct care to patients of the facility and at least one facility worker who provides security services for the facility, if possible and practicable.

New Jersey, Montana, Connecticut, and Washington have also enacted laws specifically addressing workplace safety for healthcare providers. Following this recent trend, more states are likely to follow suit.

What Can Healthcare Facilities Do?

Put in Place a Comprehensive Workplace Violence Policy

All healthcare facilities should ensure they have a comprehensive workplace violence policy in place, and this begins with a zero tolerance policy. An effective workplace violence policy should:

- Be developed with input and participation by workers and security personnel, as practicable.
- Clearly define the prohibited conduct, which should cover not only acts of violence, but also threats of violence, including verbal and written statements that could be reasonably perceived as putting someone in fear of physical harm.
- Cover not only acts or threats by workers and former workers but also customers, clients, patients, students, visitors, individuals with a personal relationship to a worker, and even individuals with no legitimate reason to be at the facility.

- Include clear directives of how individuals can report workplace hazards or safety concerns, and what steps the employer will take to investigate and respond to those reports.
- Consider the specific worksite and how the level of risk at each location may differ. For example, an area which requires a key card to enter would have a different safety profile than a waiting room that is open and easily accessible to non-workers.
- Include information on employee assistance programs and how individuals can seek help for personal issues that may impact their wellbeing, mental health, and work performance.
- Reiterate that no worker will be retaliated against for reporting incidents of workplace violence of any kind, pursuing a workplace violence complaint, or cooperating in related investigations as long as those actions are taken in good faith.

Provide Effective Training Regarding the Policy

A policy that is drafted and then left to sit on the shelf is not sufficient. As provided in OSHA's guidance on preventing workplace violence, effective training and education must be provided regarding a workplace violence policy.

Employers must ensure that all workers are aware of the policy and understand how to adhere to it. According to OSHA guidance, "Every worker should understand the concept of 'universal precautions for violence' — that is, that violence should be expected but can be avoided or mitigated through preparation." OSHA recommends the following steps be taken to ensure effective training is provided:

- **Train all workers regarding the policy.** Provide training regarding the workplace violence plan annually to all workers and during orientation for new workers. In addition, consider providing

refresher training, as deemed necessary, for workers in high-risk areas.

- **Provide specific training for supervisors.** Train supervisors to encourage workers to report incidents and to seek care after experiencing a violent incident. Supervisors are also responsible for reducing safety hazards for workers.
- **Provide specific training for security personnel.** Train security personnel regarding how to handle aggressive individuals and defuse hostile situations. If the particular facility does not have security personnel, consider designating a “safety officer” who can assist with defusing hostile situations, when safe to do so, or who can be responsible for immediately calling law enforcement when appropriate.
- **Evaluate the training.** Evaluate the training at least annually to determine whether updates are needed. Participants should complete evaluations of the training sessions so that this feedback can be considered when updates to the training are made.

For further information or specific guidance on how you can implement a comprehensive workplace violence policy in your healthcare setting, contact your Akerman labor and employment and/or healthcare attorney.

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