

12-STEP PLAN TO HELP NAVIGATE OSHA'S CONTINUED FOCUS ON WORKPLACE VIOLENCE

Publication
May 1, 2019

Healthcare employees are nearly **five times more likely** than workers in other fields to be victims of workplace violence, according to federal government statistics. Because of this disparity, the Occupational Safety and Health Administration (OSHA) issued guidelines in 2015 for preventing workplace violence in the healthcare and social services industries. Since that time, the agency has heightened its focus on this area and has issued an increased number of employer citations relating to incidents involving workplace violence.

Interestingly enough, despite OSHA's emphasis on workplace violence prevention, there is currently no specific OSHA standard addressing such hazards. As a result, the agency enforces employer obligations to prevent workplace violence through the "general duty clause." This statutory section requires employers to keep their workplaces "free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees."

OSHA has cited several healthcare employers for violating the general duty clause after an incident of workplace violence. For example, a Massachusetts psychiatric facility was recently issued citations of more than \$200,000 under the general duty clause based on OSHA's conclusion that it did not provide a

Industry Focus

Healthcare

place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, including verbal threats of assault, physical assaults, choking, punches, kicks, human bites, scratches, and/or pulling of hair by patients. While the significant amount of the citation may have been in part due to other factors, including potential issues surrounding prior inspections and resolutions, it indicates the heightened level of scrutiny OSHA is placing on workplace violence in the healthcare industry.

12 PROACTIVE MEASURES YOU CAN TAKE TO REDUCE WORKPLACE VIOLENCE RISKS

Workplace violence has increased such that concerns regarding prevention must remain at the forefront of the American consciousness. As OSHA continues to focus on workplace violence in the healthcare industry, you should take proactive measures to reduce risk to your employees. While implementing and training employees on a company policy prohibiting workplace violence is a good start, it is only the beginning. You should consider adopting the following 12 additional measures – which have been specifically recommended by OSHA as acceptable abatement of hazards – as part of a lasting commitment to prevent workplace violence.

1. Implement a written workplace violence prevention program, which includes information about how employees can obtain medical attention and emotional support following incidents of workplace violence.
2. Analyze and identify potential areas of concern and risk factors, including available points of entry and exit, items that could be used as weapons, presence of secured and locked rooms or units, and spaces that could pose a risk of entrapment.
3. Include a mandatory reporting requirement in your written workplace violence program.

4. Identify patients and clients with known violent behavior and histories.
5. Clearly communicate recent violent incidents to any employee who could potentially be exposed, including those who may not have regular contact with the patient or client involved in the incident.
6. Create and implement a “buddy system” to aid in dealing with a potentially violent patient or client, where all staff are able to request and obtain double coverage when necessary, including but not limited to situations where an employee communicates that they feel unsafe being alone with a particular patient or client.
7. Provide all employees with an easily accessible and reliable way to call for help when needed, including while on a home visit.
8. Train all employees on effective and appropriate methods about how to respond during a workplace violence incident.
9. Train all employees to recognize aggressive behavior exhibited by patients and clients, and on techniques for timely deescalating the behavior.
10. Instruct all employees about risk factors that cause or contribute to assaultive behaviors (including threats of violence).
11. Develop and maintain a recordkeeping system to ensure that all workplace violence incidents are investigated, and that post-incident debriefing and root cause analysis occur.
12. Regularly review and update your prevention program.

Although these measures may not provide a surefire panacea for all incidents of workplace violence, they will help you strengthen your workplace violence prevention program. Additionally, by adopting these measures, you will be in a better position if, and when,

OSHA ends up enacting a workplace violence standard.

For more information, contact the author at PWilliams@fisherphillips.com or 713.292.5622.