

California Approves Strongest Standard For Prevention Of Violence Against Health Workers

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On Oct. 21, after close to two years of work, regulators within the California Division of Occupational Safety and Health Administration (Cal/OSHA) approved a [standard](#) that should reduce workplace violence against healthcare workers by requiring hospitals and other employers of health professionals to develop violence prevention protocols in conjunction with the healthcare workers. Workers in healthcare and social assistance were involved in 52 percent of workplace violence incidents in 2014, according to Bureau of Labor Statistics data, and rates of workplace violence incidents increased 110 percent in private industry hospitals between 2005 and 2014. The Office of Administrative Law will review the standard, which proponents expect will be approved and will take effect as early as January 2017. This standard is of great significance for several reasons. First, federal OSHA currently has no specific standard protecting workers from workplace violence, and while, according to the [American Nurses Association](#), some states, including California, New York, Illinois and New Jersey, require public employers to take preventive measures, this is the first time that a state OSHA agency has adopted a standard addressing the prevention of workplace violence for healthcare facilities. According to union officials, the Cal/OSHA rules apply to private healthcare facilities in the state and are tougher than the existing workplace protection rules. The standard will apply to hospital-affiliated facilities and clinics, including home health care settings and drug treatment programs. Site-specific assessments will be done to identify violence risks, and the resulting plans to prevent injuries will address concerns identified by workers. Second, the Cal/OSHA standard is by far the strictest occupational safety and health regulation in the country governing workplace violence for healthcare workers and once approved it will set an extremely high bar for the federal OSHA standards as well as other state OSHA plans. **[Implications for Employers](#)** The Cal/OSHA standard, which is to become effective as early as January 2017, may create serious challenges for employers. The standard broadly defines “healthcare facilities,” which leaves much room for confusion over what facilities will be covered. It also covers “other operations located at a health facility,” without identifying what those might be. Another possible challenge is that the definition of workplace violence is very broadly defined, and includes any threat of violence in addition to the perpetrated act of violence itself. Under the new rules, California employers wouldn’t be liable for every act of violence against a worker, such as a mass shooting, but they could be cited by Cal/OSHA for not following protocols. The standard applies to violence perpetrated by a wide array of people including visitors, patients, ex-employees, other employees, individuals who had a personal relationship with a worker and even non-facility workers. As a result, the employers will have to implement substantial precautionary measures. Additionally, the standard requires employers to provide various safeguards at their own expense, such as the provision of personal protective equipment, training and medical services. Without providing any further direction, the standard states that employers must provide these safeguards “at a reasonable time and place for the

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employee, and during employee's paid time." In addition to these concerns, employers will be required to work with employees or their representatives to establish, and annually review, a written Workplace Violence Prevention Plan, as well as comply with recordkeeping requirements, and provide training that addresses workplace violence risks, all during paid time and while also paying for all the necessary safeguards. With the new Cal/OSHA standard on the horizon, California employers should prepare for tougher workplace violence prevention standards and consider having a system in place to guarantee compliance with the most up-to-date developments.