

## Managing Rising Incidents of Violence in Health Care Facilities, by Abbye Alexander & Christopher Tellner, 6-6-23



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Workplace violence in healthcare is an important public health issue and a growing problem that has been exacerbated with the onset of the pandemic. Recent studies indicate that 44% of nurses reported experiencing physical violence and 68% reported experiencing verbal abuse during the COVID-19 pandemic, according to the American Hospital Association.

Even before the pandemic, the health care and social service industries experienced the highest rates of injuries caused by workplace violence and those employees were 5 times as likely to suffer a workplace violence injury than workers overall, according to the U.S. Bureau of Labor Statistics. Despite these alarming statistics, no federal law currently protects health care employees from workplace assault or intimidation, although some states have created their own requirements.

Those states that require employer run workplace violence prevention programs, according to the American Nurses Association, include: CA, CT, IL, MD, MN, NJ, OR, and WA. The Occupational Safety and Health Administration (OSHA) does not require employers to implement workplace violence prevention programs, but it does offer voluntary guidelines.

### Defining Workplace Violence

Workplace violence is the act or threat of violence, ranging from verbal abuse to physical assaults directed toward people at work or on duty, according to The National Institute for Occupational Safety and Health (NIOSH). The impact of workplace violence can range from psychological issues to physical injury and even death.

There are four basic types of workplace violence, according to NIOSH:

- Type 1 violence involves a perpetrator who has no legitimate relationship to the business or its employees and is usually committing a crime in conjunction with the violence (e.g., robbery, shoplifting, trespassing);
- Type 2 involves individuals who have a relationship with the business and become violent while receiving services. Research shows that Type 2 violence occurs most frequently in emergency and psychiatric treatment settings, waiting rooms, and geriatric settings, but is not limited to these;
- Type 3 involves employees who attack or threaten other employees. It includes bullying and frequently manifests as verbal and emotional abuse that is unfair, offensive, vindictive, or humiliating; though, it can extend to homicide; and

- Type 4 involves those who have interpersonal relationships with the intended target, but no relationship to the business. For example, the husband of a nurse follows her to work, orders her home and threatens her, with implications for not only this nurse, but also for her co-workers and patients.

The second and third types of workplace violence are most prevalent in the health care sector, according to ANA.

### Proposed Solutions

In April 2021, the U.S. House of Representatives passed H.R. 1195 (previously introduced as H.R. 1309 in February 2019), known as the Workplace Violence Prevention for Health Care and Social Service Workers Act. This legislation would direct the Secretary of Labor to issue an occupational safety and health standard that requires covered employers within the health care and social service industries to develop and implement a comprehensive workplace violence prevention plan. A companion bill was introduced in the U.S. Senate last year.

In addition, The Safety from Violence for Healthcare Employees (SAVE) Act has been introduced in the House (H.R. 2584) and would establish legal penalties for assaulting or intimidating hospital employees.

### Prevention Strategies

Even without a federal standard, it is important for health care facilities to have comprehensive policies and procedures to protect their employees and limit their potential exposure. A written program for workplace violence prevention, incorporated into an organization's overall safety and health program, offers an effective approach to reduce or eliminate the risk of violence in the workplace.

According to OSHA, the building blocks for developing an effective workplace violence prevention program include:

- Management commitment and employee participation;
- Worksite analysis to identify existing or potential hazards that may lead to workplace violence;
- Hazard prevention and control where the employer take steps to prevent or control the identified hazards;
- Safety and health training to ensure all employees are aware of potential hazards and how to protect themselves and coworkers through established policies and procedures; and
- Recordkeeping and evaluation of the violence prevention program to determine its overall effectiveness and identify any deficiencies or changes that should be made.

Kaufman Dolowich Can Help: Kaufman Dolowich's attorneys can assist health care facilities with:

- Developing workplace prevention programs and policies;
- Providing workplace training;
- Evaluating potential workplace risks;
- Assistance in responding to workplace complaints; and
- Investigation of workplace incidents compliant with state and federal law.