



March 2019

House Zeros in on Workplace Violence in Health Care and Social Service Industries

House Democrats have set their sights on workplace violence in health care and social service industries. According to congressional findings, the health care and social service industries suffer the highest rates of injuries caused by workplace violence. Health care and social service workers made up 69 percent of all workplace violence injuries in 2017 and were nearly five times as likely to suffer a workplace violence injury than workers overall. To address this problem, on Feb. 27, 2019, the House Subcommittee on Workforce Protections considered a bill mandating that the Occupational Safety and Health Administration (OSHA) implement workplace violence protections for health care and social service workers.

The bill (titled the [Workplace Violence Prevention for Health Care and Social Service Workers Act](#)) requires that employers in these industries implement a workplace violence protection plan. At a minimum, the protection plan would have to apply OSHA's 2015 Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers. Employers would also need to train their employees on workplace violence hazards. Moreover, employers would be required to maintain a log tracking violent incidents, provide an annual summary of logged violent incidents, and conduct an annual evaluation of protection plan effectiveness with the full involvement of employees.

Passage of this legislation would mean major change for employers in these industries. To date, whether to consider workplace violence a hazard has been largely a discretionary issue for the employer to decide on a case-by-case basis. In contrast, this bill would require employers to directly monitor and prevent

risks associated with workplace violence. Regardless of whether the law is passed, however, employers should seriously consider implementing these protective measures as, according to the same congressional findings, workplace violence in health care and social service sectors increased by 63 percent between 2006 and 2016. In addition, California OSHA has already implemented identical regulations providing protection to health care workers. This demonstrates that the demand for protection is not going anywhere. In turn, the issue is not “if” employers would need to adhere to these workplace violence requirements, but “when.” To help minimize the risks associated with litigating workplace safety and health-related issues in the administrative, civil, and criminal context, **Greenberg Traurig’s OSHA team** proactively works with employers to establish and maintain a strong workplace safety and health culture within the business.

Authors

This was prepared by **Michael T. Taylor**[‡] and **Brett A. Castellat**. Questions about this information can be directed to:

- **Michael T. Taylor**[‡] | +1 703.749.1387 | taylormt@gtlaw.com
- **Brett A. Castellat** | +1 703.749.1306 | castellatb@gtlaw.com
- Or your **Greenberg Traurig** attorney

[‡]Admitted in the District of Columbia and Georgia. Not admitted in Virginia. Practice in Virginia limited to federal OSHA and proceedings before federal agencies.

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.[†] Houston. Las Vegas. London.^{*} Los Angeles. Mexico City.⁺ Miami. Minneapolis. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul.[∞] Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.[^] Tokyo.[‡] Warsaw.⁻ Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer’s legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. †Greenberg Traurig’s Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig’s Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig’s Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ‡Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig’s Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2019 Greenberg Traurig, LLP. All rights reserved.*