

In 2019, Healthcare Industry Employers Should Focus On Workplace Violence Prevention Programs

Pete Gillespie
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The risk of violence against healthcare workers has been a concern at the state and federal level for some time. For example, in 2015, the Occupational Safety and Health Administration (OSHA) published guidance to the healthcare industry and for social workers on how to develop preventative policies.

More recently, Illinois enacted the Healthcare Violence Prevention Act, which goes into effect on January 1, 2019, and which incorporates much of OSHA's guidance as a requirement for Illinois employers involved in the healthcare industry. Similarly, in mid-November, the U.S. House of Representatives introduced a bill that was intended to require healthcare employers to adopt comprehensive workplace violence prevention programs.

Although the applicable requirements may vary, employers in this industry should recognize that they are being called upon to assess potential hazards, develop programs, provide training, implement reporting mechanisms, provide notice to employees, and regularly evaluate the effectiveness of the programs. In addition, affected employers should recognize that employees who have reported injuries or incidents should not be subject to retaliation and may have other rights.

Under the Occupational Safety and Health Act of 1970, reported injuries as a result of workplace violence would likely be considered protective activity. In Illinois, beginning in 2019, employers may be required to provide

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Peter J. Gillespie

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post-incident treatment services or counseling. Further, healthcare employees in Illinois who report incidents of workplace violence may be protected under the Illinois Whistleblower Act. We expect that regulations implementing the Illinois Healthcare Violence Prevention Act will be issued in the coming months.

Affected employers in Illinois should implement policies and provide required notices to employees to remain in compliance with this Act. Employers in other states should also recognize that this issue remains a concern at a national level and should stay ahead of this issue by reviewing OSHA's guidance and developing programs consistent with the agency's recommendations.