

Recent OSHA Decisions Clarify Employer Obligations To Protect Against Workplace Violence

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Following all-too-frequent news reports, employers ask what the Occupational Safety and Health Administration (OSHA) has said about workplace violence. Recent OSHA citations have begun to provide guidance as to the steps that OSHA expects employers to take to satisfy their obligation to provide a safe workplace to employees.

For example, in a case involving a healthcare industry fieldworker who was fatally stabbed by a client during a home visit, OSHA took the position that abatement steps should include implementing a “buddy system” and developing closer ties to law enforcement, based on the employer’s recognition that its field personnel faced a risk of violence.

In another pending case involving a security company, OSHA argued that the employer’s policy of encouraging security guards to wear body armor should have been a mandatory requirement.

The common thread in these cases is that when an employer recognizes that violence of any kind is a risk to employees, employers need to implement practical preventative steps. For example, in certain situations, employers in Illinois may be expected to exercise their rights under the Workplace Violence Protection Act by obtaining a restraining order or other means to protect their workforce.

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Also, as we discussed last year, Illinois employers in the healthcare industry are required to comply with the Healthcare Violence Prevention Act (i.e., assess potential hazards, provide training, implement reporting mechanisms, provide notice to employees, etc.).

Congress is continuing to consider similar legislation directed at the healthcare industry. The steps that you take to protect employees should be incorporated into handbooks and written policies, to make sure that employees know how they can help reduce the chance of an incident.