

# More OSHA emphasis on workplace violence: What you need to know

Fred Hosier



As part of a new enforcement initiative, OSHA will give more attention to investigating incidents of workplace violence. Under federal and state law, employers have a duty to guard against this hazard.

OSHA's new [Enforcement Weighting Initiative](#) gives its area offices more credit for performing time-consuming inspections.

One type that definitely takes more time: those involving workplace violence.

Among the workers who are particularly vulnerable to this hazard: employees in the healthcare industry.

Stephen Burt, President of Healthcare Compliance Resources, laid out the hazards and ways to abate them at the recent Association of Occupational Health Professionals in Healthcare ([AOHP](#)) [national conference](#) in San Francisco.

Burt reminded attendees that hospitals rank among the most hazardous places to work. Hospitals' average injury rate is higher than other industries including manufacturing and construction. Part of the reason for that is the incidence of workplace violence.

While federal OSHA doesn't have a specific standard, it issues violations for workplace violence under the General Duty Clause.

OSHA has issued a directive to its inspectors, *Enforcement Procedures for Investigating or Inspecting Incidents of Workplace Violence*.

The directive recognizes four categories of workplace violence:

1. **Criminal intent:** These are violent acts by people who enter a workplace to commit a crime, with the primary motive usually being robbery. This is the most common source of worker homicide: 70%.
2. **Customers and clients:** These incidents are directed at employees by people who have a legitimate reason to be in the workplace, including patients and visitors. A larger proportion of customer/client incidents occur in the healthcare industry, in settings including hospitals, nursing homes and psychiatric facilities.

3. **Worker on worker:** This is violence against a worker by a current or former employee. About 11% of workplace homicides are committed by current or former employees of the workplace where the incident takes place.
4. **Personal relationships:** This is violence in the workplace by a non-employee who has a relationship with an employee. Type IV victims are overwhelmingly female. About 27% of all violent events in a workplace are tied to domestic violence.

Type II violence is divided into two categories:

1. **Inherently violent** situations or settings, such as those involving prison inmates, mental-health service recipients or other unstable clients.
2. **Situational violence** is when something causes an otherwise nonviolent client or customer to become violent. Examples can include denial of or delay in receiving services.

Type III violence is also divided into two sub-types:

1. **Vertical violence:** involves people on different levels of the hierarchical system (ex.: superior and subordinate).
2. **Horizontal (lateral) violence:** an act of aggression among peers characterized by a series of undermining incidents over time that create a toxic environment. This aggression is designed to control, diminish or devalue a peer.

Burt says some of the best abatement practices to stem workplace violence are contained in OSHA's *Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers*, which were just updated earlier this year.

Among the abatement strategies included in the OSHA document:

- Conduct a workplace violence **hazard analysis**.
- When new construction or physical changes to the workplace are planned, **assess how changes could impact** security hazards. Is there an opportunity to reduce workplace violence hazards?
- Provide **training to employees** about workplace violence.
- Implement **engineering controls** such as alarm systems, metal detectors, closed-circuit video recording and bright lighting.
- Implement **administrative controls** such as establishing relationships with local police; requiring employees to report all assaults or threats; and advising employees of company procedures for dealing with assaults.
- **Respond promptly** to all complaints regarding employee conflict and violence.
- Use properly **trained security guards** to deal with aggressive behavior.
- Develop a **written, comprehensive workplace violence prevention program** that includes a non-tolerance statement regarding violence in the workplace; results of a hazard assessment; a recordkeeping system; a workplace violence training program; an annual review of the program; procedures in the event of a violence incident; and development of a response team.

## Employer liability

With the number of workplace violence threats that come from the outside, how might an employer be held liable?

Burt says there are a number of legal scenarios:

- **Responsibility for someone the company has hired:** An employer is liable for harm done by an employee within the scope of employment, whether the act was accidental, reckless or intentional. This can come in the form of negligent hiring or negligent retention when an employer keeps an employee after learning the worker poses a potential danger.
- **Negligent security:** This is usually raised by employees who suffered criminal attacks in the workplace.
- **Negligent failure to warn:** When the hazards of employment include a danger known to the employer, the company may have a duty under state or federal law to warn the employee.

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