

# Senator Alex Padilla

## Fact Sheet

### **SB 1299 – Padilla** **Healthcare Workplace Violence Prevention Act** **As proposed to be amended**

#### **Summary**

SB 1299 would require the California Division of Occupational Safety and Health (Cal/OSHA) to adopt standards requiring that hospitals establish workplace violence prevention plans to protect health care workers and other facility personnel from aggressive and violent behavior.

#### **Background**

Violence in health care settings is a continuing national problem, and the risk of workplace violence is a serious occupational hazard for health care workers. According to the U.S. Bureau of Labor Statistics, a worker in health care and social assistance is nearly five times more likely to be the victim of a nonfatal assault or violent act by another person, than the average worker in all other major industries combined.

In 2007, nearly 60% of all nonfatal assaults and violent acts by persons occurred in the health care and social assistance industry. Nearly 75% of these violent acts were assaults by residents of a health care facility. The majority of violent acts in health care settings occur during the day; but assaults suffered during the late evening hours (8pm to 12am) resulted in a median of 7 days away from work, longer than any other number of days away from work as a result of day or early evening assaults. The fatal injury rate between 2003 and 2007 was twice the average rate for workers in all industries combined.

According to the “Evaluation of Safety and Security Programs to Reduce Violence in Health Care Settings,” a 2007 report commissioned by the National Institute of Occupational and Environmental Health... health care workers have long been recognized as having a high risk of work-related assault, and nurses are at particularly high risk, with the highest rate of victimization among occupations in the healthcare industry.

The same report found that OSHA logs and employers' reports do not provide detailed information about the circumstances of violent events, which could inform prevention efforts. For instance, the particular location of the violent event was unknown in 70% of the cases and the activity was unspecified over 40% of the time.

Further, the report demonstrates that among California hospitals, surveillance of workplace violence events is “uncoordinated and inefficient,” employee training programs rarely included review of violence trends within their specific hospital, few hospitals had effective systems to communicate about the presence of violent patients, hospital security equipment systems were uncoordinated and insufficient to protect the unit, and security programs and training were often less complete in psychiatric units than in emergency departments.

High rates of violence against health care workers are not unique to California. At least 16 states have enacted laws aimed at addressing workplace

violence against health care workers. The requirements among these laws vary widely, ranging from requiring health facilities to have safety and security plans, establishing fair leave policies to employee victims, and increasing criminal penalties for assaults against health care workers.

### Existing Law

The California Occupational Safety and Health Act of 1973, establishes certain safety and other responsibilities of employers and employees necessary to render the employment safe (Labor Code §6400).

### This Bill

By requiring Cal/OSHA to adopt standards addressing workplace violence in hospitals, this bill would enhance protections for the healthcare labor force. Specifically, the standards adopted by Cal/OSHA would require all hospital workplace violence prevention plans to include:

- Strong personnel education and training policies on how to recognize and respond to violence, and resources available to employees who are victims of violence.
- Systems for responding to, and investigating violence incidents and situations involving the risk of violence.
- Systems to assess and address factors that contribute to violence in the hospital, including sufficiency of security and staffing, and security risks associated with specific units, areas of the facility with uncontrolled access, late-night or early morning shifts, and employee security in areas surrounding the facility such as employee parking areas.
- Provisions protecting an employee's right to seek help from law enforcement.
- Requirements for hospitals to document and report incidents of violence to Cal/OSHA.

The bill would also require Cal/OSHA to post a report on its website containing information

regarding violent incidents at hospitals and to make recommendations on how to prevent violent incidents in hospitals.

### Support

California Nurses Association (Sponsor)

(Updated 3/26/14)