



A Union of Professionals

Understanding the Workplace Violence Prevention for Health Care and Social Service Workers Act, S. 851

What Does the Bill Do?

The bill requires OSHA to establish a standard under which each covered employer shall develop and implement a Workplace Violence Prevention Plan tailored to the relevant hazards in the specific facility.

What's In the Plan?

In preparing a Plan, covered employers, in conjunction with employees (and their representatives where applicable), shall identify workplace violence risks in their workplace, including environmental risk factors, risk factors specific to the patient population, and past violent incidents.

The Plan shall include both work practice controls such as security, staffing, and training on de-escalation techniques, and environmental controls such as personal alarm devices, adequate exit routes, surveillance monitoring systems, barrier protection, entry procedures, and weapons detectors.

The Plan must outline procedures for reporting, responding to, and investigating incidents, and providing medical care and first aid to affected employees. The Plan must include procedures for coordination with other employers who have employees who work at the site, and an annual evaluation of the Plan.

Under the Plan, all staff, including contract staff, will receive annual workplace violence prevention training from qualified instructors with opportunities to ask questions and request additional training. New employees will be trained prior to assignment, and workers whose job circumstances have changed have the right to additional training. Staff will receive supplemental training after significant violent incidents. Managers and supervisors will be trained to recognize hazardous work assignments.

Who's Covered?

The standard will cover hospitals, residential treatment facilities, non-residential treatment settings, medical treatment or social service settings in correctional or detention facilities, psychiatric treatment facilities, substance use disorder treatment centers, community care settings such as group homes and mental health clinics, and federal health care facilities such as those operated by the Veterans Administration and the Indian Health Service, as well as field work settings such as home care and home-based hospice, and emergency services and transport services.

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PRESIDENT

Loretta Johnson
SECRETARY-TREASURER

Mary Cathryn Ricker
EXECUTIVE VICE PRESIDENT

American Federation of Teachers, AFL-CIO • 555 New Jersey Ave. N.W. • Washington, DC 20001 • 202-879-4400 • www.aft.org



The rule covers direct-hire employees, contracted and subcontracted employees, and temporary or leased employees employed at these covered facilities. Public facilities not otherwise covered by a state OSHA that accept funding for Medicare will be covered.

How's Violence Defined?

The term “workplace violence” means: (i) any act of violence or threat of violence, without regard to intent, and includes the threat or use of physical force against an employee that results in or has a high likelihood of resulting in physical injury, psychological trauma, or stress, without regard to whether an employee sustains actual physical injury, psychological trauma, or stress; and (ii) an incident involving the threat or use of a firearm or a dangerous weapon, including the use of common objects as weapons, without regard to whether an employee sustains an actual injury, psychological trauma, or stress.

What's The Timeline?

This will be done in two stages: an interim final standard shall be issued within one year of enactment, and then a final standard shall be issued within 42 months of enactment. The interim standard shall be based upon the OSHA Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers and the requirements set forth in this bill.

How is the Plan Enforced?

The OSHA standard mandates that employers investigate each incident of workplace violence as soon as practicable, document the findings, and take corrective measures. The OSHA standard requires that employers must record workplace violence incidents in a Violent Incident Log. Employers shall maintain records related to the Plan, and employees are provided the right to examine and make copies of the Plan, the Log and related Plan documents, with appropriate protections for patient and worker privacy.

Workplace violence prevention training, as described above, is required for all covered employees.

The OSHA standard prohibits retaliation against a covered employee for reporting a workplace violence incident, threat, or concern to an employer, law enforcement, local emergency services, or a government agency.