

New Law Requires Connecticut Health Care Employers to Protect Employees from Workplace Violence

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Health care employers in Connecticut have new obligations to protect their employees when it comes to workplace violence. Public Act No. 11-175, signed by Governor Dan Malloy on July 13, 2011, applies to any Connecticut health care employer who employs at least 50 employees, whether full-time or part-time.

Requirements

The law requires health care employers to develop and implement plans, policies and training programs designed to prevent and respond to workplace violence. On or before October 1, 2011, health care employers must establish and convene an ongoing workplace safety committee (comprised of at least 50 percent non-management employees) and conduct an annual work violence risk assessment. In addition, on or before January 1, 2012, and annually thereafter, health care employers must work with the workplace safety committee to develop and implement a written workplace violence prevention and response plan based on the findings of the risk assessment. Health care employers also will be required, to the extent practicable, to adjust patient care assignments if requested by a health care employee as a result of a patient who intentionally physically abused or threatened the employee.

The new law also requires health care employers, effective October 1, 2011, to maintain detailed records on incidents of workplace violence and, upon request, report to the Department of Public Health the number and location of any workplace violence incidents that occurred on the employer's premises. Also effective October 1, 2011, health care employers must report certain incidents of workplace violence against a health care employee performing his or her job duties to the employer's local law enforcement agency within 24 hours after the incident.

Federal OSHA

The federal Occupational Safety and Health Administration does not have a standard regulating workplace violence, although the Agency has stated that it can utilize the General Duty Clause (Section 5(a)(1) of the Occupational Safety and Health Act of 1970) to require employers to take feasible measures to protect employees from violence in the workplace where that constitutes a "recognized hazard" (as it often does in health care facilities). Health care employers, among others, who must maintain OSHA logs of occupational injuries and illnesses (Form 300) also may have to enter on their logs injuries and illnesses to employees resulting from workplace violence.

Next Steps for Employers

Health care employers in Connecticut should examine their employee handbooks and policies to determine what policies, if any, they have on workplace violence prevention and response. Employers will need to take other steps to comply with the law, such as establishing a workplace safety committee. Employers are urged to make certain that their Human Resource or risk management professionals are aware of this law so that they may help disseminate information and provide appropriate training.

Jackson Lewis attorneys are available to provide details, to answer questions, to provide training and to assist employers in their efforts to comply with the new law.

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Workplace Safety and Health

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