

One Minute Memo®



Workplace Safety Comes to the Forefront for Expanding Healthcare Industry

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Seyfarth Synopsis: *Employment in healthcare occupations continues to outgrow all other industries, as the American population continues to age and nursing home and hospital services expand. Healthcare workers face a range of safety issues, such as ergonomics, blood borne pathogens, and workplace violence. The federal Occupational Safety and Health Administration is refocusing its enforcement efforts to target healthcare employers.*

According to the [Bureau of Labor Statistics](#) (BLS), the Healthcare Practitioners and Technical Occupations (Major Group) currently employs over 8.5 million workers. BLS further states “employment of healthcare occupations is projected to grow 18 percent from 2016 to 2026, *much faster than the average for all occupations*, adding about 2.4 million new jobs. Healthcare occupations are projected to add more jobs than any of the other occupational groups. This projected growth is mainly due to an *aging population, leading to greater demand for healthcare services.*”

The top categories of this increased employment are: General Medical and Surgical Hospitals, Offices of Physicians, Nursing Care Facilities (Skilled Nursing Facilities), Health and Personal Care Stores, and Outpatient Care Centers. Also included are Healthcare Social Workers and Home Health Aides. Many nurses and hospitals are unionized, which can lead to an increased push for government enforcement and involvement.

Regulators have begun to target workplace violence in healthcare settings. California OSHA has led the regulatory wave by issuing new, onerous regulations that require employers to create a Workplace Violence Prevention Plan, train employees, and maintain a Violent Incident Log. Federal OSHA has yet to promulgate a new workplace violence in healthcare standard (see [Proposed Rule for Prevention of Workplace Violence in Healthcare and Social Assistance Industries](#)), but the Agency has targeted healthcare employers with General Duty Clause citations.

For example, in [Secretary of Labor v. Integra Health Management, Inc.](#), OSHRC No. 13-1124 (June 22, 2015), Judge Phillips issued an opinion affirming a General Duty Clause citation to a home healthcare services employer which alleged that the employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to the hazard of being physically assaulted by clients with a history of violent behavior. After complaining that the client made her feel uncomfortable, the employee was fatally stabbed by the client at his home. Judge Phillips determined that the employer's workplace violence policy was inadequate, that the employee training was insufficient, that the employer failed to provide the employee with information about the medical background of the client, as well as the criminal history. More importantly, the Judge determined that the employer did not monitor the employee's progress notes which identified her concerns about the client and did not take affirmative action to assist her when she indicated her continuing anxiety about their interactions. The case is illustrative of the increasingly close eye the Agency is placing on workplace violence, and the unique and challenging environment employees face in health care.

Moreover, healthcare systems worldwide share health policy and regulatory goals for ensuring quality care and patient safety, mitigating fraud, cyber threats, and the challenge of data protection. Cybersecurity and data risk management continue to be a major concern. Additionally, challenges in the healthcare industry, such as staffing shortages will remain an issue.

Further Reading

- [Nothing to Sneeze At: Evaluating Employee Safety Protections in the Healthcare Industry](#)
- [NIOSH Offers Free Training Program to Help Employers Address Safety Risks Faced by Home Healthcare Workers](#)
- [OSHA Issues "Strategies and Tools" to "Help Prevent" Workplace Violence in the Healthcare Setting](#)
- [Judge Affirms OSHA Citation in Death of Healthcare Worker Killed by Mentally Ill Client.](#)
- [OSHA Updates Workplace Violence Guidance for Protecting Healthcare and Social Service Workers](#)
- [Healthcare Industry Receives New Fact Sheet on Musculoskeletal Disorders in Nursing and Residential Care Workers](#)

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