

Background

The increase in federal and state legislative activity around violence in the workplace paralleled the upswing in homicides in the United States during the 1990's. The Department of Justice as well as the Bureau of Labor Statistics confirmed that health care workers were disproportionately affected. Data from as recently as 1999 (Bureau of Labor Statistics) continues to show that healthcare and social service workers experience the highest incidence of non-fatal assaults among American workers.

In 1993, the American Nurses Association was part of a healthcare worker advocacy coalition that petitioned the Occupational Health and Safety Administration (OSHA) to issue a standard to protect nurses and other caregivers from on-the-job assaults. Instead, OSHA chose to issue voluntary guidelines rather than a standard and does little to ensure the implementation of these guidelines. In early 2002, in response to OSHA's announcement of a targeted enforcement program in the nursing home industry, ANA urged Assistant Secretary of OSHA, to include targeted activities around violence into this plan. In response, OSHA is developing outreach materials for nursing homes to address this issue.

With little action from OSHA on the federal level, states have stepped up to address the issue of workplace violence. Legislation specifically addressing health care worker safety is often a result of fatal violent assaults in health care facilities. Although some of the statutes which were enacted focus on increased penalties (such as making it a felony to assault a health care worker) and specific workplaces (emergency departments), it may be more effective to focus future legislative efforts on prevention by mandating the elimination or reduction of hazards and assuring that workers receive adequate training.

In 2003, **NV** approved an amendment that adds 29 health care professionals including nurses, student nurses, certified nursing assistants, and nurse assistant trainees to the list of persons upon whom an assault evokes a criminal penalty. Enacted **IL** legislation adds to the offense of aggravated battery, battery committed against any hospital personnel engaged in official duties.

In 2002, **FL** enacted legislation that would authorize a law enforcement officer to make an arrest without a warrant when there is probable cause to believe a person has committed an assault upon employees including emergency medical care providers. In **IL**, a new law will increase aggravated assault with a firearm, against paramedics, emergency tech personnel and others from misdemeanor to class 4 felony. **NJ** bills would establish a task force on workplace violence and require certain employers to develop and implement programs to prevent workplace violence. **TN** passed legislation allowing employers to obtain restraining orders prohibiting further violence at the workplace while employees are acting within their scope of employment.