



**Testimony of J. Scott Robinette
Deputy Secretary for Safety & Labor-Management Relations
Pennsylvania Department of Labor & Industry**

**Before the Pennsylvania House Health Committee
regarding House Bill 1992**

**Harrisburg, Pennsylvania
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Introduction

Chairman Baker, Chairman Myers and members of the House Health Committee, on behalf of Secretary Julia Hearshway, thank you for the opportunity to present the department's comments on House Bill 1992, regarding prevention of workplace violence in the health care industry. My name is Scott Robinette. I am the Deputy Secretary for Safety and Labor-Management Relations for the Department of Labor & Industry.

Background

Violence in the workplace is a very serious matter. Rest assured, the administration believes employers have a responsibility to provide a safe environment for workers, and we encourage employers to establish effective workplace violence prevention policies adapted to their unique worksites. Simply put, no Pennsylvania worker should be subject to physical violence, threats, intimidation or harassment at their place of employment.

At the state level, the Pennsylvania crimes code covers most situations of workplace violence. Additionally, under the state Workers' Compensation Act, employers can qualify for a premium reduction if they establish "safety committees" that meet the requirements of state certification. Such committees are expected to address issues of workplace violence when they arise. Thousands of employers take advantage of this program – including health care facilities – which has saved millions in insurance premiums by preventing many injuries. The requirements to participate in this program are posted on our website, and we encourage all employers to explore if it is a fit for their businesses.

The federal government also has laws to promote workplace safety. Under the Occupational Safety and Health Act (OSHA), signed into law in 1970, all employers have a general duty to provide their employees with a workplace free from hazards likely to cause death or serious physical harm. Employers can be cited under the Act if they fail to prevent or abate a recognized hazard.

House Bill 1992

The proposed legislation being discussed today, House Bill 1992, would require Pennsylvania healthcare facilities to establish a “workplace violence prevention committee.” The bill requires 50 percent of committee members to have a direct impact on patient care – with a majority being licensed nurses; at least one representative from management; and the remainder represented by individuals that have experience, expertise or responsibilities relevant to workplace violence prevention or other experience that is considered to be of benefit to the committee.

The proposed bill outlines general duties and responsibilities of the committee, including risk assessment evaluations, reporting requirements, preparation of detailed prevention plans, developing employee training programs, and developing in-house response and counseling teams in the event of a victim being subject to workplace violence.

The proposed bill provides for a series of remedies if a health care facility is believed to be operating in “bad faith.” If the committee concludes that the facility is not implementing its recommendations, an appeal can be filed with the Department of Labor & Industry. If, after a hearing, the department agrees the facility is not acting appropriately, the department may impose fines and penalties.

The proposed bill also allows the courts to provide remedies if it is determined a health care facility is found to have been engaged in inappropriate conduct or risk associated with workplace violence.

Department Views

Upon our initial review, we identified some concerns. I will highlight three.

First, department staff and resources are stretched thin. There is not currently a section within the department that would be well-suited or prepared to perform the duties that would be imposed on the department by this bill. Adding an additional statutory requirement, with which the department has little experience, will take training and divert much-needed resources.

Second, the bill does not provide enough direction to ensure the department would adopt rules and regulations that would effectuate the bill's underlying intent. For example, the bill does not define what is meant by a health care facility acting in "good faith" or in "bad faith." It does not define what the penalties and fines should be, how they would be imposed, and a process for repeated offenses. It does not give guidance on the appropriate size of the committee, how often they should meet, or if they need a quorum to conduct their work.

Third, our legal staff identified concerns stemming from questions the bill does not address. For example, it is unclear if the committees established under this bill are redundant of the workplace safety committees I mentioned earlier. It is unclear what the appeal period is, when it starts, who would file an appeal, who would pay for the committee's representation, and who has the burden of proof.

These are just a few of the questions raised by the bill that would need further clarification. In the event the committee would like to explore these issues further, we are available as a resource to explore available tools and concepts that will meet the goals of the bill.

Closing

Mr. Chairman, the Department of Labor & Industry under the leadership of Secretary Hearthway is doing everything in its power to ensure individuals are safe at the workplace. Again, thank you for the opportunity to present the department's views on House Bill 1992. I would be happy to answer any questions you or the committee members have.