



Safety in the Healthcare Workplace: What the Laws Require

Patients and caregivers won significant improvements in safety with Governor Corzine's signing of the Safe Patient Handling Act and the Violence Prevention in Health Care Facilities Act in January, 2008.

The laws apply to all NJ hospitals, nursing homes, State developmental centers, and State and county psychiatric hospitals. By mandating that programs be developed by committees made up of at least 50% frontline staff, the laws give covered employers and their employees the opportunity to work together to reduce injuries to caregivers and their patients, improve the recruitment and retention of frontline staff and reduce healthcare costs.

The Safe Patient Handling Act

Healthcare workers suffer serious and often permanent injuries when they use their own body strength, rather than equipment or other patient handling devices, to lift, transfer or reposition patients who need assistance.

What the Law Requires

The law requires covered employers to have or develop:

- a Safe Patient Handling policy, posted in a location visible to staff, patients and visitors, that minimizes unassisted patient handling on all units and all shifts;
- a Safe Patient Handling committee that meets regularly to plan and oversee all aspects of the Safe Patient Handling Program at your facility, including selecting equipment, writing policies, and planning worker training.
- a process for assessing what safe patient handling equipment the facility needs and recommendations for a 3-year capital plan to purchase the equipment;
- Protocols and procedures for determining each patient's safe handling needs;
- Prompt access to safe patient handling equipment;
- Worker training during paid work time;
- Educational materials for patients and their families
- A policy for educating patients and allowing patients the right to refuse

The law gives employees certain rights:

- To work in a facility that minimizes unassisted patient handling on all units and shifts;
- To obtain a copy of the employer's safe patient handling program;
- To participate in the Safe Patient Handling Committee: at least 50% of the committee members must be healthcare workers whose job duties include lifting, transferring and repositioning patients;
- To have a voice: At unionized facilities, the union must have a voice in choosing the healthcare worker members of the committee;
- To have prompt access to mechanical patient handling devices
- To refuse to perform an unsafe patient handling task, and an employee cannot be fired or in any other way discriminated or retaliated against for refusing;

Benchmarks and Deadlines

By January 2009:

A joint committee of caregivers and management must be established

By January of 2011.

All the elements of the Safe Patient Handling Program must be in place

By January of 2014

All the recommended safe patient handling equipment purchases must be completed.

The Violence Prevention in Healthcare Facilities Act

Healthcare workers face physical assaults and physical and verbal threats from patients, visitors, supervisors and co-workers. Workplace violence also threatens the safety of patients and their visitors.

What the law requires

The law requires covered employers to:

- Establish a Workplace Violence Prevention committee that meets regularly to plan and oversee all aspects of the Violence Prevention Program at your facility,
- Conduct an annual, comprehensive violence risk assessment for the facility that looks at facility layout, access restrictions, neighborhood crime rate, lighting, communication and alarm devices, staffing, security personnel, and records of violent incidents;
- Develop violence prevention policies; and take specific steps to reduce risks of violence, including training, equipment, staffing, job design and facility modification.
- Provide annual violence prevention training that includes workplace policies; how to de-escalate, minimize and respond to violent behavior; reporting requirements; location and operation of safety devices; and resources for coping with violence.
- Have staff that are trained to identify the warning signs of aggressive and violent behavior and the ability to appropriately respond to and manage violent behavior.
- Keep detailed records of all violent acts against employees, including the steps the facility has taken in response to each incident.
- Have an in-house crisis response team for employee-victims and their co-workers, and individual and group crisis counseling.

The law gives employees certain rights:

- To work in a facility that minimizes the risks and dangers of violence and assault;
- To participate in the Workplace Violence Prevention Committee: at least 50% of the committee members must be healthcare workers who provide direct patient care or have some contact with patients;
- To have a voice: At unionized facilities, the union must have a voice in choosing the healthcare worker members of the committee.
- To obtain a copy of the risk assessment information and the workplace violence prevention plan;
- To receive violence prevention training;
- To counseling and support from a crisis response team if they are the victim of or a witness to workplace violence;
- To report a violent incident, without fear of being fired or having their employer take any other discriminatory or retaliatory action against them.

Benchmarks and Deadlines

By June 30, 2008: the Workplace Violence Prevention committee must be established.

By June 30, 2009: all the remaining elements of the Workplace Violence Prevention Plan must be in place.

