



COMMITTEE ON
EDUCATION & LABOR
REPUBLICANS

COMMITTEE
STATEMENT

**Opening Statement of Rep. Bradley Byrne (R-AL), Republican Leader
Subcommittee on Workforce Protections Hearing:
“Caring for Our Caregivers: Protecting Health Care and Social Service Workers
from Workplace Violence”
February 27, 2019**

“Allow me to begin this afternoon by saying that protecting the safety of health care and social service workers is not a partisan issue. It doesn’t take having a liberal or conservative bent to appreciate the hard work and empathy that hospital workers and community caregivers demonstrate every single day on the job. Their dedication to caring for the most vulnerable members of our communities is extraordinary, and these workers deserve our gratitude, our respect, and our commitment to ensuring that they are safe on the job.

The nature of work in these industries requires health care and social services workers to interact directly with individuals who are experiencing tremendous stress, trauma, and grief, which can cause situations to devolve and put workers’ safety at risk.

Under the general duty clause of the *Occupational Safety and Health Act of 1970* (the OSH Act), employers are already required to take definitive steps to protect employees and provide a safe work environment. But in acknowledgement of the particular risks facing health care and social service workers, the Occupational Safety and Health Administration (OSHA) has taken concrete steps in the rulemaking process to better understand the circumstances that exist for these workers, and to determine how to provide these industries with a solution. We need a solution that protects workers and provides employers with the necessary flexibility to ensure that their employees are safe on the job.

Therefore, I want to go on the record strongly supporting protections for workers in this industry in regards to workplace violence. I also commend OSHA for its

rulemaking activities in this area and urge the agency to move forward expeditiously in this regard.

In December 2016, almost literally as they were walking out the door, the Obama administration's OSHA initiated a rulemaking process by issuing a public request for information on workplace violence in these sectors. The following month, on January 10, 2017, the agency held a meeting with stakeholders to discuss the specific challenges facing these workers.

Once the Trump administration assumed leadership, OSHA doubled down on these rulemaking efforts by scheduling a small business panel on the rulemaking for early 2019. Meanwhile, the Trump administration's OSHA continues to provide employers with best practices for ensuring a safe work environment, and continues to issue citations to employers who fail to prevent workplace violence under the general duty clause of the OSH Act.

These are positive and deliberate steps, and by undertaking this rulemaking process, OSHA is striving to create a thoroughly-researched approach that addresses the risks of workplace violence in the hospital and home health care settings fully and effectively.

I am concerned the legislation under discussion today, H.R. 1309, might undermine this ongoing rulemaking process. Instead of allowing for a collaborative and evidence-based process, I am concerned we are intentionally or unintentionally ramming through a regulation with limited input from affected stakeholders. The proposed bill was introduced only a week ago and needs further discussion and work.

H.R. 1309, in an effort to speed up the rulemaking process, takes unnecessary shortcuts and doesn't allow OSHA the time or the ability to adequately conduct additional studies or analyze public comments. Instead, the bill seeks to impose a mandate, and I am concerned not enough research has been done on this critical topic.

Protecting workers from instances of workplace violence is a policy priority that Republicans and Democrats see eye-to-eye on.

I would prefer that this committee hold oversight hearings to allow committee members to hear directly from individuals and experts so that we can formulate the best course of action to keep our caregivers safe.

When things go wrong, our caregivers rise to the occasion. They deserve a thoroughly vetted and researched solution that protects them in the line of duty. It's the responsibility of members of this committee to approach complex and important matters under our jurisdiction, like the issue before us today, with care and dedication to ensure that we do right by these valued members of our communities."

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