

# House Passes Workplace Violence Bill Despite Veto Threat

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In a bipartisan 251 to 158 vote, the House of Representatives passed [H.R. 1309](#), which would require the [Department of Labor to develop a standard addressing workplace violence](#) in the health care and social services industry. The bill would require that the Department of Labor develop and issue an interim rule on workplace violence prevention no later than one year after the date of enactment of the bill. Under the bill, the interim rule would require that employers in the health care and social services sectors “develop and implement a comprehensive workplace violence prevention plan to protect health care workers, social service workers, and other personnel from workplace violence.” The bill requires that the interim rule be based on OSHA’s own [Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers](#). The Department of Labor would then have to issue a final standard within 42 months of the enactment date.

The bill also outlines specific requirements for employers to be included in the final standard. It would require employers:

- Develop a workplace violence prevention plan;
- Conduct violent incident investigations;
- Provide training and education to employees who may be exposed to workplace violence;
- Maintain records related to workplace violence for at least five years;
- Provide an annual report to the Department of Labor detailing “the frequency, quantity, and severity of workplace violence, and any incident response and post-incident investigation[.]”; and
- Conduct an annual evaluation of the workplace violence prevention plan and make any necessary changes after the evaluation.

While the Democrat-sponsored bill received bipartisan support in the House, with 30 Republican votes, it faces an uphill battle in the Senate and in the White House. The Trump Administration has issued a [Statement of Administrative Policy](#) outlining concerns with the bill and sending a signal that a veto may be issued. In the statement, the administration argued that the bill “mandates adopting

California's healthcare workplace violence standards nationwide, which would undercut important principles of federalism and could put workers' health and jobs in jeopardy." The administration stated further that the timelines in the bill for issuing the interim, proposed, and final standards are inappropriate. The administration also pointed to the fact that OSHA had announced already plans for a Small Business Regulatory Enforcement Fairness Act ("SBREFA") panel to address workplace violence issues and argued that the legislation would "short-circuit" the SBREFA process.

Regardless of fate of H.R. 1309, employers in the healthcare and social services sectors should have plans and procedures in place to protect their employees from workplace violence because, even without a standard in place, OSHA can and will issue citations under the general duty clause. In a [recent case](#), the Occupational Safety and Health Review Commission upheld such a citation.

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