



OSHA 30/30[®]

A thirty minute update
on OSHA law every thirty days

with
Manesh Rath

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Developments in Regulating Workplace Violence Prevention

January 21, 2026

Manesh Rath

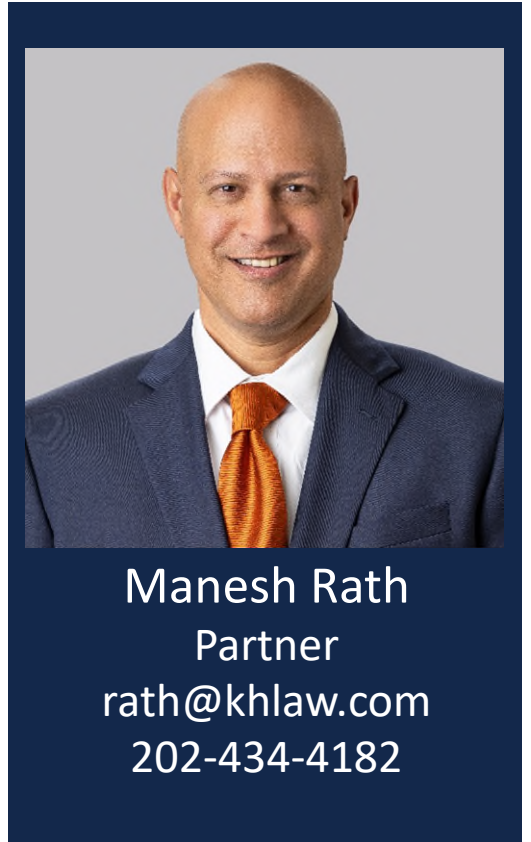


Manesh Rath is a partner in Keller and Heckman's litigation and OSHA practice groups. He has been the lead amicus counsel on several cases before the U.S. Supreme Court. He has been called to testify before Congress in several hearings relating to OSHA law.

Mr. Rath is a co-author of three books in the fields of wage/hour law, labor and employment law, and OSHA law. He has been interviewed in The Wall Street Journal, Bloomberg, Smart Money, Entrepreneur, on PBS's Nightly Business Report, and C-SPAN.

Mr. Rath served on the Board of Advisors for the National Federation of Independent Business (NFIB) Small Business Legal Center and on the Society For Human Resources (SHRM) Special Expertise Panel for Safety and Health law for several years.

He was voted by fellow members to The Best Lawyers in America 2016-2025 (in 2023, was voted as Lawyer of the Year); selected by Super Lawyers 2016 – 2023; and by corporate counsel as the 2017 Lexology winner of the Client Choice Award.



Benjamin Idzik



Benjamin (Ben) Idzik advises Keller and Heckman clients on regulatory compliance matters under state and federal environmental, occupational safety and health, transportation, and employment laws.

Specifically, Ben assists clients on issues arising under the Occupational Safety and Health (OSH) Act, Federal Motor Carrier Safety Administration (FMCSA) regulations, and U.S. Environmental Protection Agency (EPA) regulations, such as the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Prior to joining Keller and Heckman, Ben focused on regulations affecting trade associations and their members. While in law school, Ben served as a legal intern for an advanced nuclear reactor and fuel company and was the Note & Comment Editor for the Catholic University Law Review. He also completed a clerkship at the Montgomery County Circuit Court.



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Topics to Be Discussed

- ◆ California's Workplace Violence Rulemaking
- ◆ Regulation of Workplace Violence: A Brief Overview
- ◆ Details of California's Proposal
- ◆ US OSHA's Proposal
- ◆ What Employers Should Do

California's Workplace Violence Rulemaking

- ◆ Mandated by SB 553
- ◆ Required California employers to implement a written violence prevention plan by July 2024, including maintaining a violent incident log
- ◆ Charges Cal/OSHA with developing a workplace violence prevention standard for general industry



Regulation of Workplace Violence: A Brief Overview



- ◆ 1992 Letter of Interpretation
 - ◇ General duty clause may be applicable if violence is a hazard
- ◆ 2001 DOL OIG Report
- ◆ 2017 Compliance Directive
 - ◇ Guidance on how to assess whether workplace violence is a hazard in the workplace
- ◆ *Sec'y of Lab. v. Integra Health Mgmt.*, (OSHRC 2019)
- ◆ 2023 Letter of Interpretation
 - ◇ Reportable if violence occurred at work and work was a causal factor, even if beyond the employer's control

California's Workplace Violence Rulemaking

- ◆ Applies to general industry; limited exemptions
- ◆ Workplace violence hazards are defined
- ◆ Workplace violence prevention plans enforced by Cal/OSHA
 - ◇ (1) who is responsible implementation, (2) how hazards are corrected and reassessed
- ◆ Employee training upon hire and annually thereafter
- ◆ Records must be maintained



US OSHA Proposal

- ◆ 2016: Request for Information to solicit feedback on violence incidents in the healthcare and social assistance industries to determine whether rulemaking is appropriate
- ◆ 2017: Rulemaking initiated
- ◆ 2023: OSHA's draft rule concepts reviewed by SBAR
- ◆ Key elements: Mandatory standard, involving assessment, controls, training



What Employers Should Do

- ◆ Proactively implement policies and procedures to address the risk of workplace violence in the workplace
- ◆ Knowledge of an employee's prior history of violence or threats may be used as evidence to show that violence was a recognized hazard
- ◆ Document violent incidents and steps taken to mitigate the hazard
- ◆ Ensure that potential hires are vetted for indicators of violent behavior
- ◆ Report credible safety threats to law enforcement authorities





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at 1:00 p.m., Eastern Time

February 18th, 2026

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Thank You

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