

# Preventing Violence in the Workplace



**Presented By**

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Emergency  
Planning**

# Presentation Overview

- ⇩ *Introduction*
- ⇩ *Legal issues*
- ⇩ *Perpetrators of workplace violence*
- ⇩ *Workplace violence myths*
- ⇩ *Dealing with domestic violence*

# Presentation Overview

- ↓ *Early warning signals*
- ↓ *Assessing risk of employee violence: five categories*
- ↓ *Practical suggestions for addressing workplace violence: six-step plan*
- ↓ *Managing the threat*

# Violence Is Part Of Our 21st Century Culture!

↓ *January 23, 2006*

↓ *CA mail processing facility*

↓ *Former postal worker Jennifer Sanmarco shot and killed six postal employees before fatally turning the gun on herself.*

↓ *Stopped to re-load*

↓ *Not employed there for 2 years.*

↓ *Welcome to the world of workplace violence!*

# Violence in the U.S.:

## The Statistics

- ↓ *U.S. has the highest number of incidents of interpersonal violence per capita of any nation not engaged in civil war*
- ↓ *U.S. has a rate of violence greater than four times that of any other nation*
- ↓ *In 2003, gunshots became the number one killer in the United States*
- ↓ *One in five high school students carry weapons (an estimated 270,000 guns are carried to school daily)*



# Violence in the U.S.: What Is It?

- ↓ *Much more than on-site physical attacks.*
- ↓ *“Workplace violence” = not only “physical assaults and threats of assault,” but also verbal violence including verbal abuse, hostility and harassment.*
- ↓ *“Workplace” = any location—permanent or temporary—where an employee performs any work-related duty including the building, parking lots, surrounding fields, clients’ homes, and roadways to and from work.*

# Violence in the U.S.: More Statistics

- ↓ *While the number of workplace homicides has decreased since 1994, certain industries and demographic groups remain uniquely at risk.*
- ↓ *It is estimated that each workplace homicide costs employers between \$250,000 and \$1 million.*
- ↓ *Total cost of all workplace violence now estimated to exceed \$120 BILLION annually, up from just \$4.2 billion in 1992.*

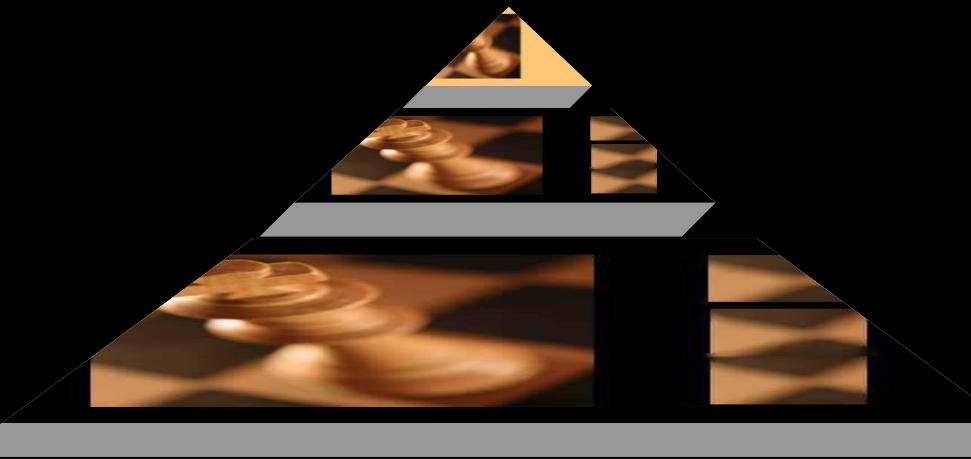


# Workplace Violence Pyramid



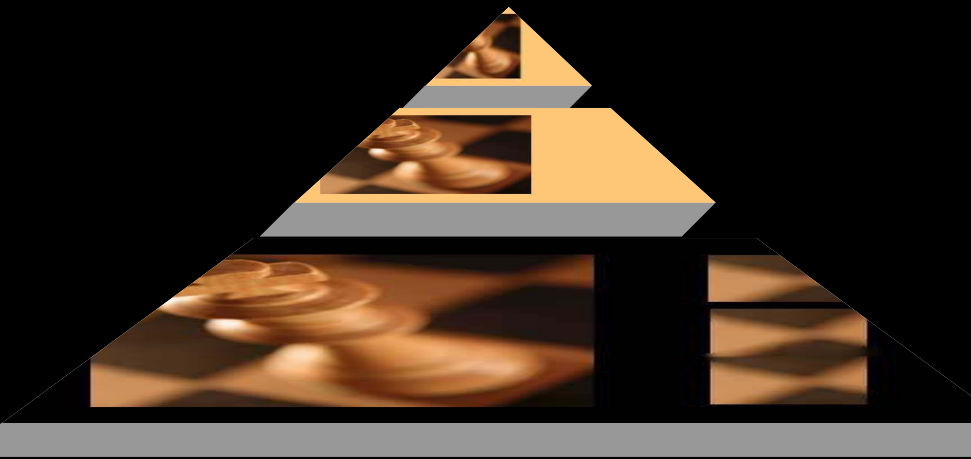
# Homicide:

## *The Top of the Pyramid*



- ↓ *Homicide is the second leading cause of death in the workplace*
- ↓ *An estimated 1,000 people are murdered at work in the U.S. annually (down 44%)*
- ↓ *Homicide is the primary cause of violent death of women at work and the secondary cause of violent death of men at work*

# Physical Assaults: *Pyramid's Middle*



- ↓ *One million violent crimes are committed each year in the workplace (Department of Justice Crime Victimization Survey)*
- ↓ *100,000 crimes (at work) involve guns*

# Threats- Harassment:

## *Pyramid's Base*



- ↓ *Includes verbal threats and threatening behavior*
- ↓ *Six million American workers were threatened at work in the past year*
- ↓ *In the United States, a full-time worker has a one-in-four chance of being attacked, threatened or harassed at work during the coming year*
- ↓ *Two out of three employees do not feel secure at work (1994 Gallup Poll)*
- ↓ *Three out of four victims suffer psychological distress as a result of their experience*



# Workplace Violence: Four Zones of Concern

↓ *Legal*

↓ *Psychological*

↓ *Security*

↓ *Public Relations*



# Legal Issues

## ↓ *ADA Concerns*

- Abusive, potentially violent employees may have diagnosed mental illness
- Strict EEOC Guidelines concerning psychiatric disabilities ([eeoc.gov](http://eeoc.gov))
- Legal prohibitions on disclosure of medical information
- Focus on the conduct, not the mental condition
- Apply policies concerning workplace violence consistently
- Include the ability to perform work safely in job descriptions



# Legal Issues

## *OSHA Concerns*

↓ *Employers have legal obligations to provide a safe workplace for employees*

- Fed-OSHA Requirements - 29 U.S.C. section 654
- General duty clause: employers must provide employees place of employment “free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.”

# Legal Issues



## *Beyond OSHA Concerns*

- ↓ *Employers have legal obligations to provide a safe workplace for employees*
- ↓ *2002 Sarbanes-Oxley Act---disclose operating conditions, including safety failures, that may significantly impact balance sheets.*
- ↓ *OSHA Report – Bulk of workplace violence is predictable and preventable if employers take adequate precautions*



# Legal Issues

*NFPA Standard on Disaster Management, Emergency Management, and Business Continuity Programs (NFPA 1600)*

- ↓ *Now the “National Preparedness Standard” for the private sector*
- ↓ *Roadmap for establishing an emergency preparedness plan.*
- ↓ *Sets forth comprehensive process for devising and implementing a crisis management plan.*
- ↓ *Can be downloaded at [www.ready.gov/business](http://www.ready.gov/business)*
- ↓ *Compliance is currently voluntary but is increasingly the benchmark against which preparedness is measured.*

# Legal Issues



*NFPA Standard on Disaster Management, Emergency Management, and Business Continuity Programs (NFPA 1600)*

↓ *Updated in 2007.*

↓ *Buried in the text is a call for certifiers as well as a mandate that a company designate an institution within 210 days that will certify the certifiers under NFPA 1600 or a comparable provision.*

# Legal Issues



*NFPA Standard on Disaster Management, Emergency Management, and Business Continuity Programs (NFPA 1600)*

↓ *Use as a tool.*

↓ *NFPA provides a process for preparedness.*

↓ *Compliance does not hinge on rigid adherence to a narrowly defined set of requirements.*

↓ *Flexibility is warranted given that vastly different types of preparedness are needed, varying by industry and hazards faced.*

A black and white photograph of a pair of scales of justice, symbolizing law and equity. The scales are positioned on the left side of the slide, with the pans hanging from a central beam. The background is a dark, textured surface.

# Legal Issues

## ↓ *Negligence*

- Negligent Hiring
- Negligent Training
- Negligent Retention
- Negligent Supervision/Control
- Negligent Reference
- Failure to Warn Targeted Victims





# Legal Issues

## ↓ *Negligent Hiring: How to Avoid*

- Review apps
- Question about gaps
- Contact prior employers
- Document efforts
- Complete screening process before offering employment
- Consider performing background checks



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# Legal Issues

## ↓ *NEGLIGENT FAILURE TO PLAN*

- Reasonably Foreseeable Risk
- In Re: Sept. 11 (Sept. 2003) NY (Southern Dist.)



# Legal Issues

- ↓ *Defamation of character*
- ↓ *Privacy: public disclosure of confidential facts*
- ↓ *Constructive wrongful discharge*
- ↓ *Retaliation for safety complaints*
- ↓ *Rights/obligations under collective bargaining agreement*

# Perpetrators of Workplace Violence

- ↓ *Violence by Strangers*
- ↓ *Violence by Customers/Clients*
- ↓ *Violence by Co-Employees/Former Employees*
- ↓ *Violence by Family Members or Personal Relations*

## **A: *Stranger/ Criminal***



↓ *Perpetrator has no legitimate relation to workplace-- on-site to commit robbery or other criminal act*



**B:**

## *The Customer*

⇓ *Violence involves assault or threat by someone who is either the recipient or the object of a service provided by the affected workplace or the victim*



**C:**  
*Co-Worker/  
Employee*

- ↓ *Perpetrator has some employment-related involvement with the workplace*
- Violence may be in retaliation for some perceived unfair treatment; lay-off; loss of promotion





**D:**

## *Spouse/Family Member*

- ↓ *Perpetrator has personal relationship with victim*
  - Domestic or personal dispute may spill over into the workplace
  - Protagonist is a family member or other person who has had a personal relationship with the employee outside of work



# Addressing Domestic Violence in the Workplace

- ↓ *Train employees to report domestic violence threats*
- ↓ *Provide information regarding resources (EAP, counselors, safe houses)*
- ↓ *Consider EAP coverage of domestic problems*

# Addressing Domestic Violence in the Workplace

- ↓ *Develop plan to safeguard victims*
- ↓ *Assist employees in seeking restraining orders*
- ↓ *Provide nationwide, 24-hour, toll-free domestic violence hotline number  
(1-800-799-SAFE)*





# Psychological Myths About Workplace Violence

*Myth #1: “Violent employees just snap, without warnings or clues.”*

# Psychological Myths About Workplace Violence



*Myth #2: “If violent employees actually do provide clues, there should be no incidence of workplace violence.”*

# Psychological Myths About Workplace Violence

The background of the slide is a photograph of several construction cranes against a bright blue sky with scattered white clouds. The cranes are silhouetted against the sky, creating a strong geometric pattern of lines.

*Myth #3: “Individuals who commit workplace violence have lost everything.”*

# Psychological Myths About Workplace Violence

The background of the slide is a photograph of several construction cranes against a bright blue sky with some light clouds. The cranes are silhouetted against the sky, creating a strong geometric pattern of lines.

*Myth #4: “There is a demographic profile of the potentially violent employee/individual.”*



# Psychological Myths About Workplace Violence

The background of the slide is a photograph of a construction site. Several tall cranes are visible, their lattice structures extending upwards against a bright blue sky with some light clouds. In the lower portion of the image, the dark silhouettes of skyscrapers under construction are visible, creating a sense of height and industrial activity.

*Myth #5: “Workplace violence is all about homicide.”*

# Psychological Myths About Workplace Violence



*Myth #6: “Even if you can identify violent employees, you cannot do anything about them.”*



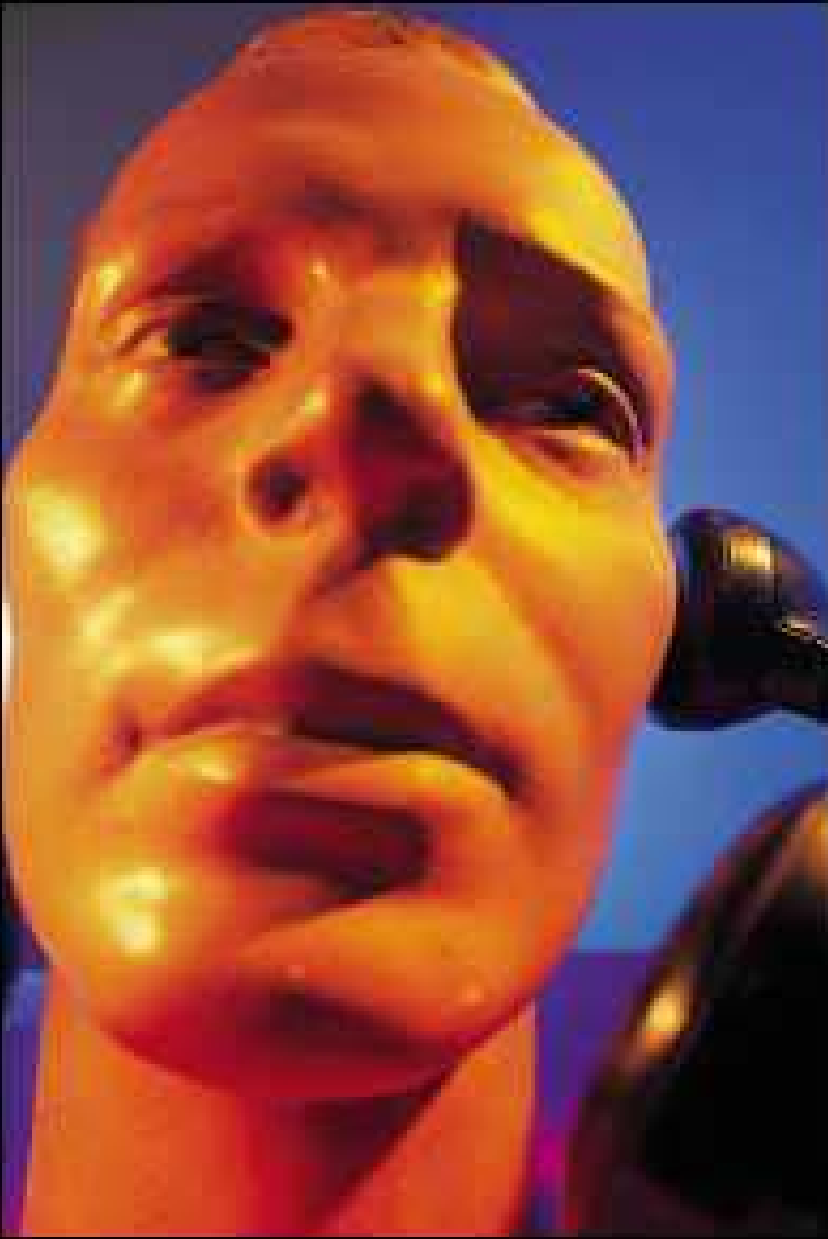
# Possible Early Warning Signals of Workplace Violence

**1. Direct or veiled verbal threats of harm**



## 2. Intimidation of Others

*(This can be physical or verbal intimidation. Harassing phone calls and stalking are obvious examples.)*



### 3. Carrying a Concealed Weapon or Flashing a Weapon to Test Reactions



# 4. Extreme Interest in Semi-Automatic or Automatic Weapons and Their Destructive Power to People



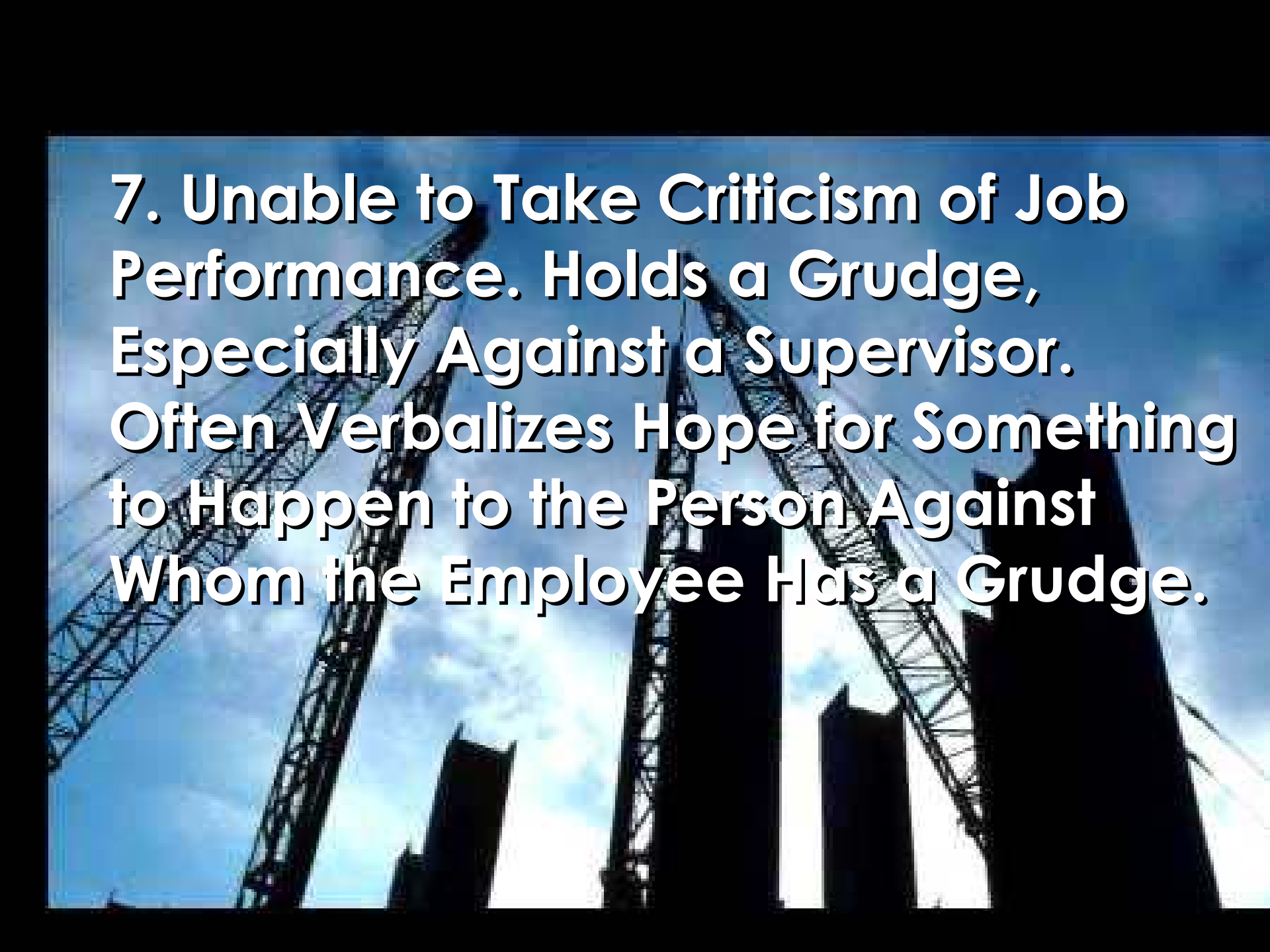


**5. Paranoid Behavior. Perceiving that the Whole World Is Against Them.**





**6. Moral Righteousness and  
Believing the Organization Is Not  
Following Its Rules and Procedures**



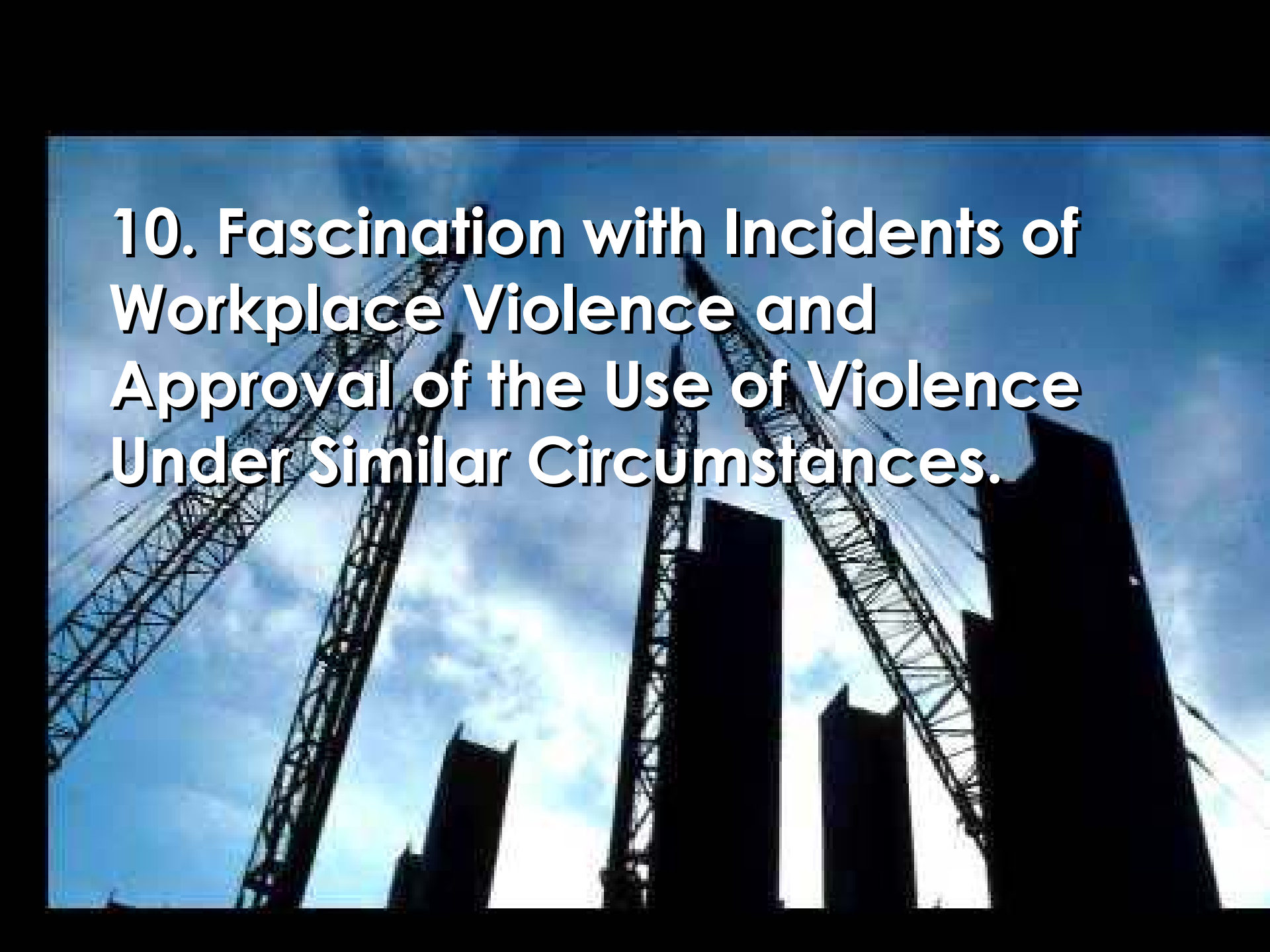
**7. Unable to Take Criticism of Job Performance. Holds a Grudge, Especially Against a Supervisor. Often Verbalizes Hope for Something to Happen to the Person Against Whom the Employee Has a Grudge.**

**8. Expression of  
Extreme  
Desperation Over  
Recent Family,  
Financial, or  
Personal Problems.**



# 9. History of Violent Behavior.





**10. Fascination with Incidents of Workplace Violence and Approval of the Use of Violence Under Similar Circumstances.**

# 11. Reckless Disregard for the Safety of Co-Employees.





**12. Obsessive  
Involvement with  
the Job, Often with  
Uneven Job  
Performance and  
No Apparent  
Outside Interests**



# 13. Being a Loner Who Has a Romantic Obsession with a Co-Worker Who Does Not Share This Interest

*(This interest will often be so intense that the co-employee will feel threatened and may report sexual harassment)*



**14. Anger,  
Particularly  
Unusual Displays  
of Unjustified  
Anger That Does  
Not Dissipate**



# 15. Litigiousness--Not A Cause, But A Possible Effect



# 16. History of Stalking, Sexual Aggression, Domestic or Child Abuse



# 17. Drug or Alcohol Abuse: Not A Cause But An Effect



# Assessing Risk of Employee Violence: *The Psychological Perspective*

↓ *Threat Assessment: A Risk Management Approach*

*James T. Turner, Ph D., Michael Gelles, PsyD  
(The Haworth Press, December 2003)*

↓ *Continuation of Breakthrough Work of the late Dr.  
Christopher Hatcher*

↓ *The Hatcher Categories*

# Assessing Risk of Employee Violence:

## *The Psychological Perspective*

↓ *CATEGORY ONE: Criminal Conduct*

↓ *CATEGORY TWO: Evidence of Violent Behavior*

↓ *CATEGORY THREE: Intentional Infliction of Emotional Distress Without Evidence Of Violence*

↓ *CATEGORY FOUR: Negligent Infliction of Emotional Distress*

↓ *CATEGORY FIVE: False Reports*

*International Assessment Services (Former Dr. Chris Hatcher)*



# Practical Suggestions for Addressing Workplace Violence



# Being Prepared: *A 6-Step Guide*

- ↓ *One: Have a policy*
- ↓ *Two: Train management/employees*
- ↓ *Three: Assign a management response team (MRT)*
- ↓ *Four: Plan for non-emergencies*
- ↓ *Five: Prepare for crises*
- ↓ *Six: Reassess regularly*

# One: The Well-Drafted Policy

- ↓ *Makes a clear “zero tolerance” statement*
- ↓ *States the problem and concern for its human and operational costs*
- ↓ *Demonstrates your company’s commitment*
- ↓ *Defines exact behavior prohibited*
- ↓ *States your company’s goal without creating unnecessary legal/contractual obligations*
- ↓ *Don’t say “The Company will take ALL measures to prevent workplace violence”*

# One: The Well-Drafted Policy

- ↳ *Contemplates threats from third parties*
- ↳ *Plainly describes reporting requirements and procedures*
- ↳ *Defines the consequences for violations*
- ↳ *Provides actual deterrent*
- ↳ *Sets the foundation for eliminating hesitation in reporting concerns*
- ↳ *Limits employer liability*

## Two: Effective Training

- ↓ *Builds on the “zero tolerance” theme*
- ↓ *Educates employees that the “little signs” and “gut feelings” are vital*
- ↓ *Teaches employees the steps to follow in reporting violence-- actual, perceived, or threatened*
- ↓ *Reduces the tolerance for threats or violence in any form*
- ↓ *Includes psychological, legal and security issues*
- ↓ *Occurs at new hire stage and at regular intervals*



# WORKING PEOPLE: Computer Based Training

*Employee and Manager Training  
Produced By Employment Law Learning  
Technologies, Inc.  
[www.elt-inc.com](http://www.elt-inc.com)*

# Three: Management Response Team

- ↓ *Senior Management with Authority to Mobilize the company's Resources*
- ↓ *Human Resources*
- ↓ *Security Experts*
- ↓ *Local Law Enforcement*
- ↓ *Psychological Experts*
- ↓ *Legal Counsel*
- ↓ *Risk Management/Insurer*



# Three: Management Response Team

- ↓ *Develop, implement, monitor and review workplace violence policies*
- ↓ *Examine hiring procedures to ensure appropriate checks*
- ↓ *Increase physical security measures and develop a cooperative relationship with local law enforcement authorities*
- ↓ *Establish clear internal and external lines of communication to effectively avert and respond to crisis situations*
- ↓ *Decide whether to make EAP and counseling resources available*



# Four: Non-Emergencies

## ↓ *Investigation (like sexual harassment)*

- Duty to investigate when notified of workplace violence or threat
- Select the right investigator
- Be thorough: interview concerned employees, witnesses, accused
- Emphasize no retaliation
- Ensure confidentiality consistent with policy
- Consider administrative leave

# Four: Non-Emergencies

- ↓ *Reach conclusion*
- ↓ *Take appropriate corrective action*
- ↓ *Communicate results*
- ↓ *Monitor the situation*
- ↓ *Be prepared for escalation*
- ↓ *Avoid retaliation*

# Five: The Eye of the Storm- Preparing for Crises

↓ *Time is of the essence, so BE  
PREPARED*

- Have an action plan BEFORE crisis occurs
- Like fire drills, practice in non-emergency situations



# Five: The Eye of the Storm- Preparing for Crises

*When Crisis Occurs...*

↓ *Immediately summon MRT*

↓ *Immediately contact law enforcement and emergency response officials*

↓ *Prevent perpetrator from entering premises/get and keep off premises*

# Five: The Eye of the Storm-

## Preparing for Crises

*Allow the experts to lead*

↓ *Psychological evaluation and on-site assessment*

↓ *Security assessment and implementation*

↓ *Legal counsel*

↓ *Counseling services*

↓ *Information to share with employees and public versus confidentiality*

# Six: Reassessment

- ⇓ *Review of past incidents*
  - Internally (annually)
  - Other employers (after incidents)
- ⇓ *Revise policy, plan and training as appropriate*



# Thank You!

**Erin Webber**

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