

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

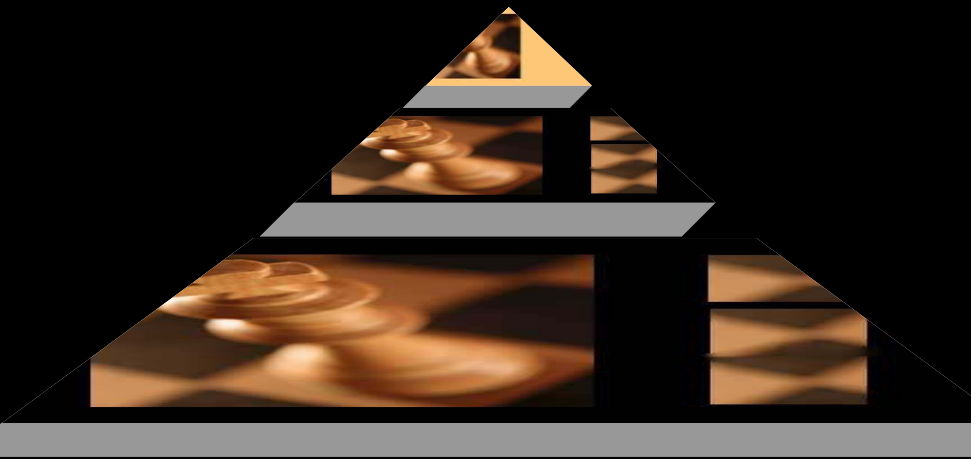
- ↓ *While the number of workplace homicides has decreased since 1994, certain industries and demographic groups remain uniquely at risk.*
- ↓ *It is estimated that each workplace homicide costs employers between \$250,000 and \$1 million.*
- ↓ *Total cost of all workplace violence now estimated to exceed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

Workplace Violence Pyramid



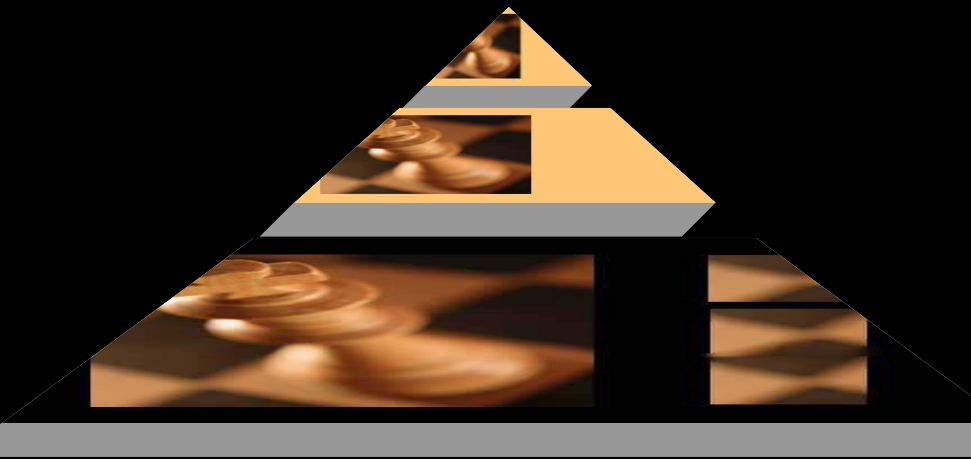
Homicide:

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)
- 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*
- ↓ *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 slightly tilted, with the right pan being lower than the left. The background is a soft, out-of-focus pattern of intersecting lines.

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:

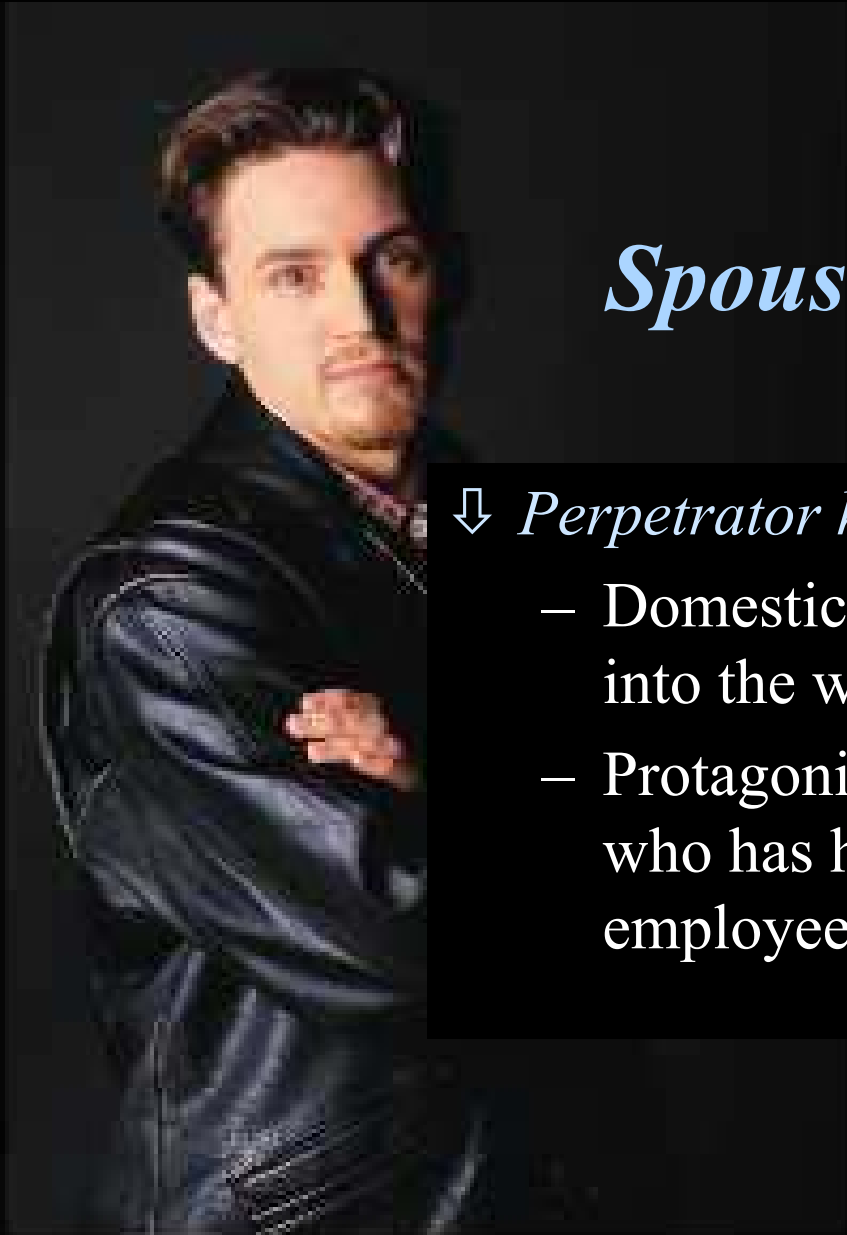
The Customer

⇓ *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

The background of the slide is a photograph of a construction site. Several tall, lattice-structured cranes are visible, extending upwards into a clear blue sky with some light clouds. The cranes are silhouetted against the sky, creating a strong geometric pattern of lines.

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 scattered white 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 several construction cranes against a blue sky with scattered white clouds. The cranes are silhouetted against the sky, creating a sense of height and industrial activity.

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

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

A close-up photograph of a woman with dark hair and bangs, looking directly at the camera with a shocked or distressed expression. Her hands are pressed against her cheeks, and her mouth is slightly open. She is wearing a dark top and a necklace. The background is dark and out of focus.

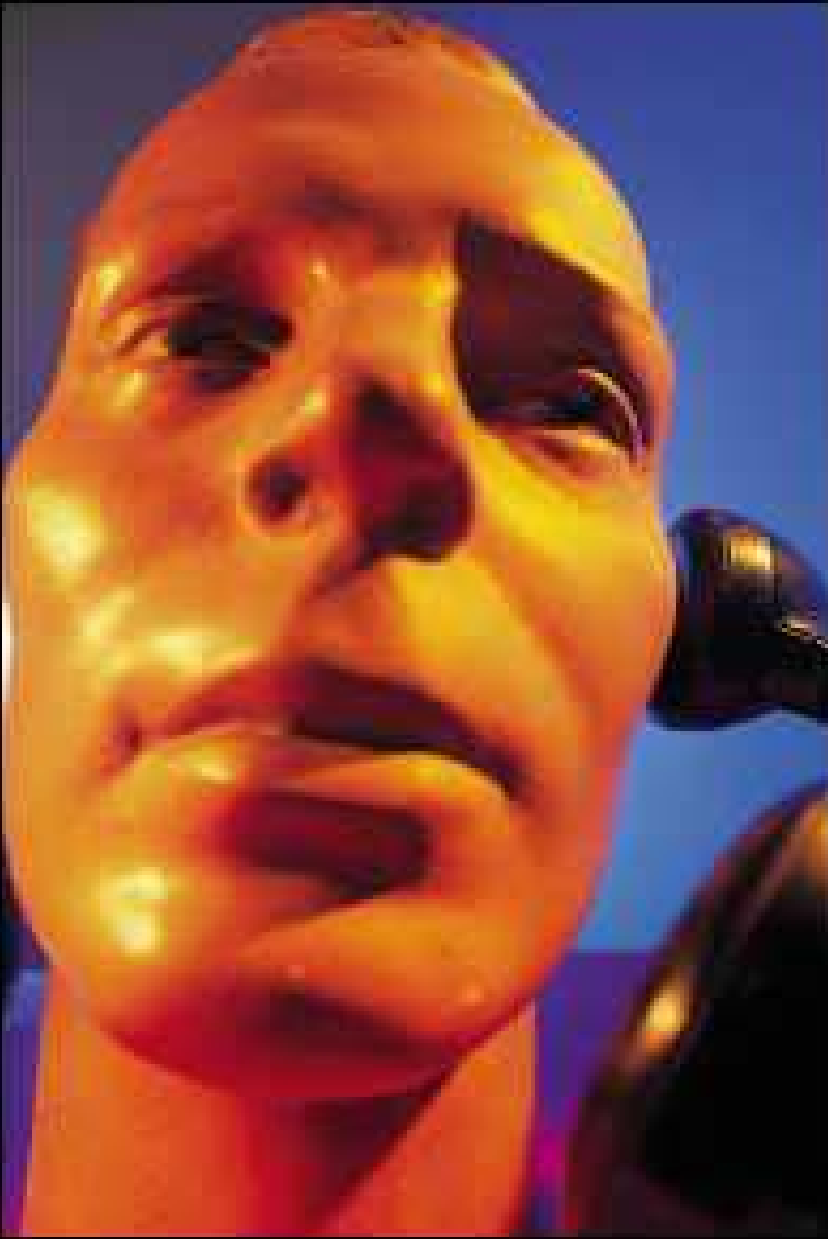
Possible Early Warning Signals of Workplace Violence

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

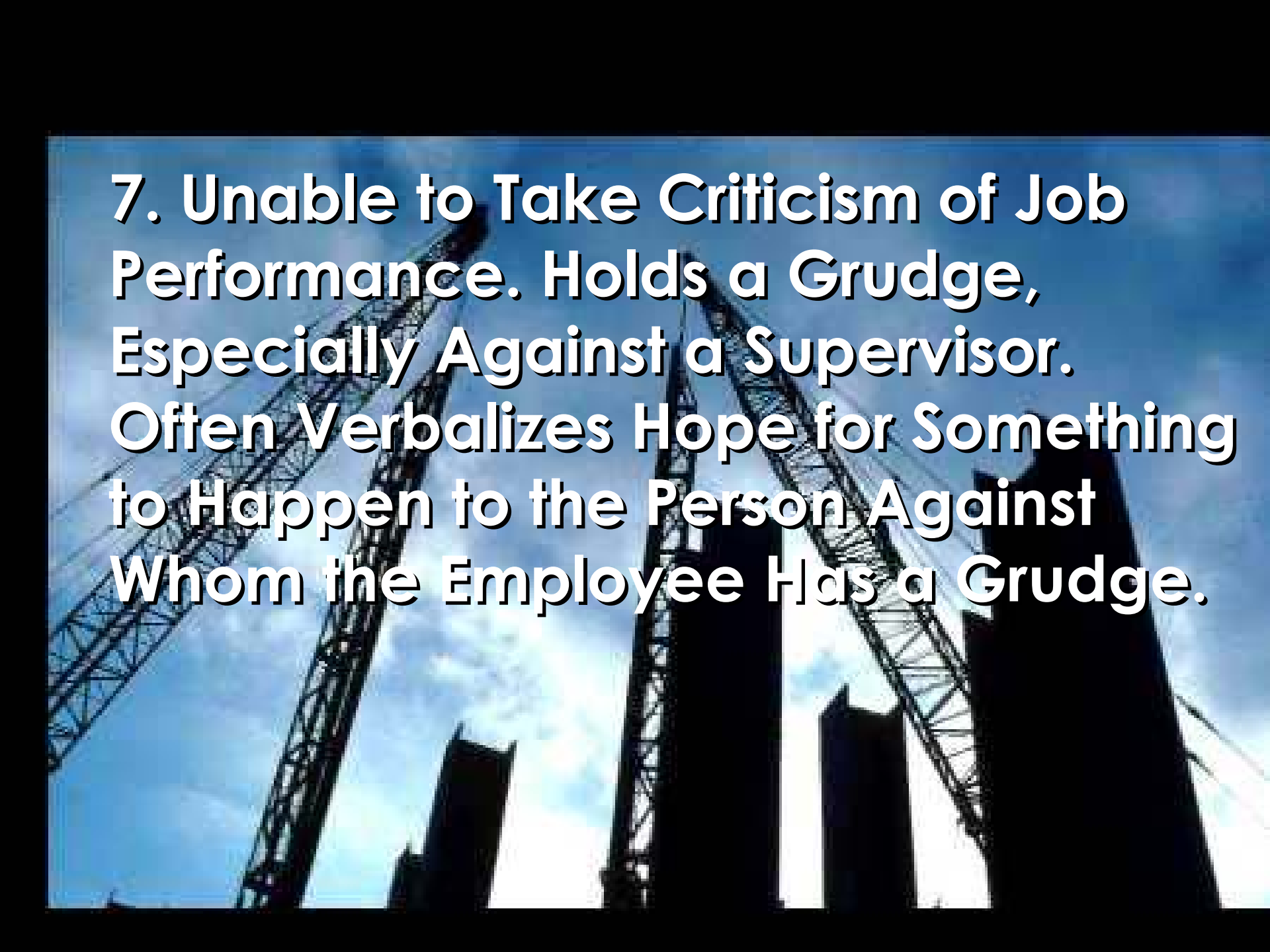


5. Paranoid Behavior. Perceiving that the Whole World Is Against Them.



A low-angle photograph of a construction site. Several tall cranes with lattice booms are visible, reaching towards a blue sky with scattered white clouds. In the foreground, the dark silhouettes of building structures are visible, creating a sense of height and scale. The overall tone is industrial and aspirational.

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



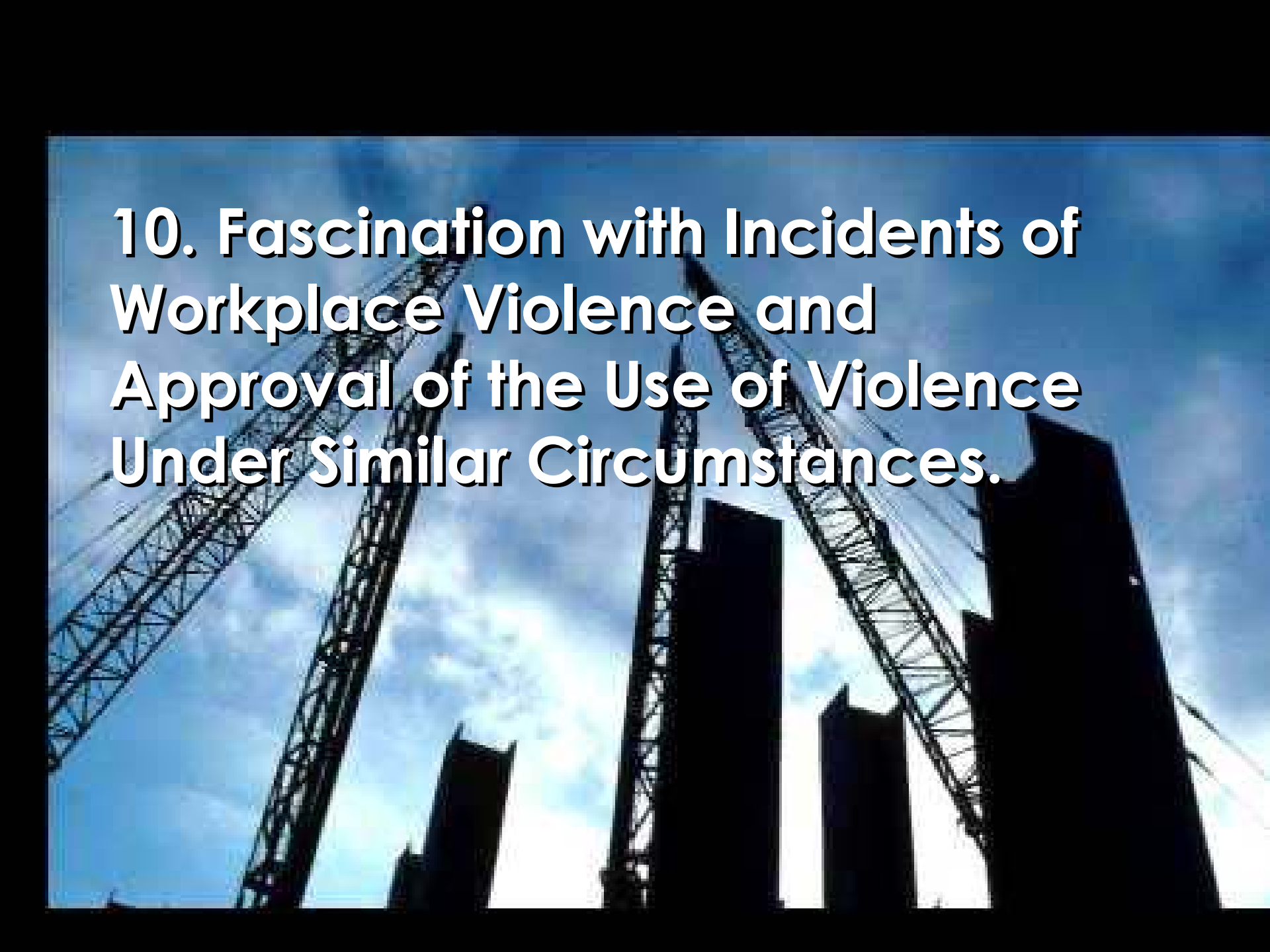
7. Unable to Take Criticism of Job Performance. Holds a Grudge, Especially Against a Supervisor. Often Verbalizes Hope for Something to Happen to the Person Against Whom the Employee Has a Grudge.

**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*

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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