

By Randi Klein Hyatt, Esq.

Workplace Violence: Identifying and Reducing the Risk

Editor's Note: This information is not intended to be legal advice. You should have a licensed attorney review the facts of your specific situation.

In August 1986, a U.S. Postal Service worker used a shotgun to kill and injure 20 of his co-workers in Edmond, Oklahoma. Since that horrific event, the news media steadfastly publicized employee violence issues. This overexposure, although unsettling, was a prime source for the employer's sharpened awareness and sensitivity to workplace violence issues. Many employers, regardless of size, have recognized the need to assess their respective workplaces and initiate measures to militate against workplace violence.

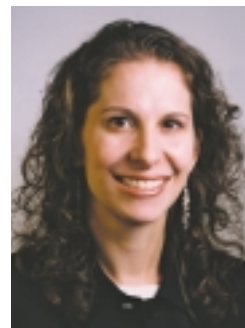
Perhaps because of this 1986 event, many people immediately think of homicide when workplace violence is mentioned. For most employers dealing with workplace violence, however, the issues being tackled typically involve threats, aggressive harassment, emotional abuse, verbal abuse, stalking, nonfatal assaults or batteries including hitting, punching, kicking, biting, being struck by a weapon, and other similar conduct compromising the safety of a person or property. The National Institute for Occupational

Safety and Health (NIOSH) defines workplace violence as "violent acts, including physical assaults and threats of assault, directed toward employees at work or on duty."

The statistics on workplace violence trends vary. While the federal government has reported a decline in the past few years of workplace violence resulting in homicide or other fatal scenarios, many private industry groups conducting their own surveys say workplace violence has increased during this same time frame.¹ Some feel that violence in the workplace is increasing because of the overall softening of the economy, including subcontracting, downsizing, wage garnishments, and overall salary and benefit reductions. Others attribute the increase in workplace violence to perceived insensitivity and unfairness by an employer when delivering bad news to the employee.

Although there exists the possibility that something strange and idiosyncratic will occur, workplace violence typically self-categorizes into two scenarios. The first involves perpetrators coming in "off the street" for criminal purposes such as theft, vandalism, destruction, street intimidation or some other purpose. The second major category, often used to describe the introductory scenario above, involves disgruntled employees who have "gone

postal." This source of workplace violence exists with current and former employees, acting either singly or in concert with others, who feel they have some grudge to bear about a work-related issue, supervisor or co-worker problem, or perhaps personal issue that spills into the workplace arena.



Steps to Develop a Workplace Violence Prevention Program

Employers have a responsibility to their employees to educate and prepare them for workplace violence possibilities. From the practical to the philosophical, there are countless tools at an employer's disposal for preventing workplace violence. Training personnel to recognize workplace violence is critical, no matter what size your company.

Many employers, however, do not have any personnel properly trained to recognize and respond to warning signs of impending violence. For example, an employee or a customer making verbal threats to another is a first sign that violence may be imminent. In such a scenario, the violence is foreseeable, but at the same time, preventable. Being able to step in and divert any potentially combustible situation is crucial.

Employers should assess the workplace environment for its strengths and weaknesses in preventing workplace violence. Each employer is different, but security needs likely exist on a certain level for all (such as external locks, security cameras, security personnel, proper lighting, proper storage for valuables, and safe entrances and exits).

In addition to shoring up the physical workplace, preventing workplace violence should start before the employment relationship begins. It makes sense for employers to spend the time, energy and money to “know” its employees from the start. Background checks, particularly criminal checks, are an effective step to identifying potential problems. Although not every employer can conduct expensive criminal background checks, any employer can request employment references and actually place calls to these prior places of employment to see if any red flags develop. In addition to verifying employment, verifying education is important.

Personal character references are an extremely effective, yet often ignored, screening tool. Such people speak to the character of the individual and are likely to provide information more freely, as opposed to past employers who tend to respond with name, rank and serial number. A good rule of thumb to adopt is this: if an applicant for employment cannot provide you with two or three people who can vouch for their character, they are probably not worth hiring.

When it comes to workplace violence, employers should not operate from a reactionary position, namely giving attention to the issue only after a close call or actual mishap. As with many other workplace issues, a sound and effective policy regarding workplace violence plays an essential role in ensuring a safe environment for employees.

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A zero tolerance policy against workplace violence is fundamental and should be written in conjunction with the company's policies dealing with harassment, drug and alcohol use/testing, and discipline.

Such a policy would include: statements of zero-tolerance and company commitment; a non-exhaustive list of prohibited conduct; an explanation of training, as well as management's and employees' responsibilities; procedures for responding to certain vio-

lent or emergency situations; detailed reporting procedures; and further instructions on implementing risk reduction measures and responding to non-emergency situations.

Employers can also work with local police to learn how non-emergency situations should be reported to authorities; properly develop and communicate an emergency plan to all personnel; train personnel in CPR and first aid; and, conduct practice drills for personnel to respond to various workplace violence scenarios.

Effective enforcement of such a policy guarantees that what is written on paper and communicated to employees is implemented by the employer. Further, employers must ensure that employees feel encouraged to report workplace violence concerns so they do not fear retaliation if they do raise a claim.

The National Institute for Prevention of Workplace Violence reports that nearly two million employees in the United States are victims of violent crimes while at work each year. Employers have a moral, if not a legal, obligation to protect their workforce. The best method of protection will involve a prophylactic and multi-disciplinary approach which results in a properly trained and prepared workforce at all levels. ■

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References

¹ The Bureau of Labor Statistics, which is the federal agency responsible for compiling and reporting on workplace injuries, reported in its 2003 survey that only 16 percent of all work-related fatal occupational injuries were caused by assault or suicide. Further, although homicides are perennially among the top three causes of workplace fatalities for all workers every year, the homicides typically stem from random robberies, and not crimes of passion committed by disgruntled co-workers and spouses. Finally, work-related homicides have decreased 42 percent from 1994 to 2003.