

WORKPLACE VIOLENCE

Reducing the risk

By Phillip M. Perry

Editor's note:

Workplace violence can cause tremendous human suffering and impact productivity for years. Employers can be sued for damages by injured employees, customers, and/or the families of victims. In this article, award-winning author Phillip M. Perry explains how a workplace violence prevention program can mitigate the risk of tragedy.

When a disgruntled employee opened fire at a small Philadelphia business earlier this year, they killed two fellow employees and injured three others. The tragic event highlighted the ongoing reality of workplace violence in America.

"Any exposure to the news media today will reveal that incidents of workplace violence occur quite frequently across the country," said Ed Sherman, an organizational and public safety consultant. "Most business owners and employees recognize this is a significant issue and is something that should be addressed."

Numbers don't lie

The Bureau of Labor Statistics reports 392 workplace homicides and 37,060 nonfatal workplace injuries resulting from intentional harm in 2020 (the last year for which data are available). Workplace violence is the third leading cause of fatal occupational injuries in the United States according to a report from the Occupational Safety and Health Administration (OSHA).

At least one state has taken steps to reduce the danger. "The California legislature recently passed a law requiring employers with more than ten workers to create and disseminate a Workplace Violence Prevention Plan," said Kathleen Bonczyk, founder of the Workplace Violence Prevention Institute. "The standard must include employee training along with antiretaliation and grievance procedures.

I predict we will see more jurisdictions do something similar in coming years."

Looming liability

The toll in human suffering from workplace violence is incalculable. Additionally, businesses can be held liable for injuries. "The employer has an obligation under the General Duty Clause of the OSHA Act to provide a safe workplace," said Pascal Benyamini, a partner at the law firm Faegre Drinker. "OSHA and other government entities can assess fines and penalties to an employer for not having provided one."

Employers can also incur financial losses from workers compensation claims and lawsuits by injured employees, customers, or the next of kin or family of an employee who has been killed. "Litigation can be expensive," said Benyamini. "And if a case gets in front of a jury that determines the employer looked the other way when there were warning signs of a pending violent act, a company can get hit with punitive damages."

Warning signs

Door and access businesses would be wise to take action to mitigate risk when the warning signs of a pending violent act first appear, such as behavioral changes that begin far

“ ”

ALL EMPLOYEES NEED TO BE FAMILIAR WITH THE WARNING SIGNS OF WORKPLACE VIOLENCE AND THE STEPS THAT SHOULD BE TAKEN.

” ”

in advance of a serious incident. The company mentioned in the opening paragraph, for example, had received prior warnings of

the employee's threats toward colleagues.

"The pathway to violence is typically a gradual one," said Bonczyk. "An individual may begin by coming in to work late every day. That may proceed to snapping at coworkers or customers. Then they may begin bullying people. Later their performance takes a dive. Then, things accelerate to threats of violence, and then ultimately violence."

Acts of violence

Many early warning signs are considered acts of violence by OSHA. These include verbal or written threats, harassment, and intimidation. Violence can take the form of bullying, as well as swearing and the hurling of insults.

Supervisors should watch for:

- Unexpected and unwelcome behavioral changes. The person may become quick to anger or engage in continuing confrontations.
- Talk of suicide or self-harm.
- Paranoia and a tendency to blame others for their troubles.
- Obsession with weapons (when accompanied by any of the other behaviors listed above).

continued on page 62

Disgruntled versus dangerous employees

Individuals planning violent acts may become fixated on perceived occupational slights. “Very often these events begin with a grievance on the part of an employee or customer or other individual,” said Sherman. “I am using the term grievance in the most general sense as anything somebody is upset about. That’s why it’s so important for employers to respond to employees’ issues, concerns, and problems when they arise.”

Behaviors outside the workplace can also be red flags. “Often, someone will post things to social media that could be important in assessing that they pose a threat to the workplace,” said K. Campbell, principal at Blue Glacier Security and Intelligence. “These may include statements about fellow employees, supervisors, or managers. That is an example of leakage — the disclosure of ill intent to a third person rather than to the individual who might be the intended victim of an assault. Leakage is usually an extremely reliable indicator of potential violence.”

Trust your gut

Experts advise taking action anytime your gut instinct tells you something is not right. “You don’t want to wrongly accuse someone,” said Oscar Villanueva of TAL Global, a security and risk management firm. “But people should know that if they see something that doesn’t look right to them and their gut is telling them there’s an issue, they should report it to their supervisor or manager right away so it can be looked into.”

Terminating employees responsibly

If you need to terminate an employee, utilize key safety procedures during the process. “Workplace shootings are often done by recently terminated employees,” said Worley. Not offering the individual a severance and/or contesting their application for unemployment benefits can be potential triggers, he added.

Security experts advise having a member of law enforcement present if there is a risk of a violent confrontation. Also, the individual should be terminated in a compassionate way. “Providing a packet of useful information can help,” said Worley. “The packet might contain a list of local agencies that provide counseling and job-hunting assistance and a list of temp agencies. In other words, be helpful and don’t just say, ‘get out of here.’”

Employee reports

When it comes to responding to warning signs in a timely manner, employees are often the first line of defense. “Management can’t know everything that happens on the floor where people are working,” said Benyamini. “When employees see or hear something, they need to say something so that if an incident ends up becoming a credible threat, measures can be taken to reduce the risk.”

Too often, though, colleagues of a violent actor fail to speak up — either because they are not aware of the significance of what they have seen or they do not know the correct reporting procedures.

Planning and training can help. “Every company should create a workplace violence prevention and management program, which is a set of policies and procedures that tell employees how to report troubling incidents they have observed,” said Villanueva. “This may prevent an incident from occurring.”

Zero-tolerance policy

Villanueva said the program should include a zero-tolerance policy calling for the employer to take appropriate action when a violent act occurs. “If someone makes a verbal threat, for example, but there is no physical contact or further issues, the penalty may be a suspension, a letter of warning, or a reassignment. At the other extreme, an

aggressor who beats up a fellow employee on the workroom floor may well be terminated.”

Filing a program in a binder is not sufficient — managers and employees must be familiar with the details. “Everyone needs to know what steps to take if an incident occurs, including to whom to report,” said Sherman. “People should also know how to call first responders if an incident rises to the level of an emergency.”

Be proactive

According to OSHA, only 30% of all organizations have a formalized workplace violence prevention program. That number is too low. Felix P. Nater, president of a

security consulting firm, recommends that all businesses designate someone who is passionate about the cause to develop a policy that is supported by senior management.

Employees must also be regularly reminded of the program’s details. “All employees need to be familiar with the warning signs of

workplace violence and the steps that should be taken,” said Nater. That will build employee trust and confidence because management is investing in their safety and security.

There must also be safeguards from retaliation in place to protect individuals reporting

incidents. “Employees may resist speaking up about questionable behavior because they are afraid they may be attacked by the individual involved,” Nater said. “Everyone should be aware that the organization has protections in place so that if things become untenable they will not be left to fend for themselves.”

Investigate discreetly

How should top management investigate a report without ruffling feathers and unintentionally making matters worse? “When troubling behavior is reported, the best approach is to start with a discreet investigation,” said Villanueva. “Ask other employees if they can corroborate the behavior. Has anyone observed similar events?”

Once the background work is done, the supervisor should speak with the employee in a respectful way and talk about what they have observed, Villanueva said. “Stick with the facts rather than making accusations. Encourage them to talk about their behavior, explain why it is happening, and what they can do to resolve it.”

It’s often appropriate to ask questions such as, “Are you okay?” “Is there anything you need?” “Can we offer something to assist?” Many employers have an employee assistance program (EAP) that can provide counseling.

“The longer you take, the worse the problem gets,” said Villanueva. “These things seldom get resolved on their own.”

Reduce stress

An ounce of prevention is worth a pound of cure. One way of reducing the emotional temperatures that can lead to violence is to institute a stress reduction program.

OFTEN, SOMEONE WILL POST THINGS TO SOCIAL MEDIA THAT COULD BE IMPORTANT IN ASSESSING THAT THEY POSE A THREAT TO THE WORKPLACE.

continued from page 62

Appoint someone in your company as a liaison between a stressed employee and a source of assistance, said Don Worley, president and managing attorney at the McDonald Worley law firm.



THERE MUST ALSO BE SAFEGUARDS FROM RETALIATION IN PLACE TO PROTECT INDIVIDUALS REPORTING INCIDENTS.



Refer employees experiencing high stress to company resources such as counseling covered by insurance, an EAP, or a community counseling service. That can be an important part of a larger workplace violence prevention program.

“All employees need to understand the risk factors of workplace violence, the warning signs, and their responsibility to report what they see and hear,” said Nater. “A business can’t wait for a shooting for management to start backpedaling and acknowledging what they should have addressed long ago.” ■

QUIZ

HOW PREPARED ARE YOU FOR AN ACT OF WORKPLACE VIOLENCE?

Take this quiz to assess your preparedness for an act of workplace violence. Score 10 points for each “yes.”

1. Have you published and communicated a Workplace Violence Prevention Plan?
2. Have you trained your workforce on spotting and reporting violence warning signs?
3. Do employees feel safe from retaliation if they report troubling behavior?
4. Have you trained your supervisors on aspects of workplace violence prevention?
5. Do you resolve all reported observations and reports quickly?
6. Have you prohibited weapons in the workplace?
7. Do you treat and discipline every employee with dignity and respect?
8. Do you maintain confidentiality when investigating reported incidents?
9. Do you confront misbehaving employees with statements of observed evidence rather than judgments?
10. Have you coordinated with your local law enforcement in preparation for an act of workplace violence?

Total your scores:

80 or higher: You have taken appropriate steps to mitigate workplace violence.

60 to 80: There is room for improvement.

Below 60: It's time to institute some procures detailed in the accompanying article.



IDC Spring

1974-2024

50TH
ANNIVERSARY

**GARAGE DOOR
SPRINGS ARE
OUR THING.**

IDCSPRING.COM | 763.786.6527

