



# WORKPLACE VIOLENCE: HOW TO STOP THE MADNESS?

THE HEAVYWEIGHTS WEIGH IN



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# WORKPLACE VIOLENCE: HOW TO STOP THE MADNESS?

## THE HEAVYWEIGHTS WEIGH IN

There are many threats to which every workplace environment is vulnerable. These include **malicious motive workplace dangers** such as the violent use of deadly weapons, terrorism, sexual harassment, assault, hostile work environment, bullying, gang activities, and kidnapping must all be confronted. Additionally, the risk of external events (e.g. domestic violence) spilling over into the workplace must also be addressed.

Workplace shootings are dramatic but lower probability events. When they occur however, they have extreme impacts, and could result in loss of life and extensive injuries. They also create repercussions such as post-traumatic effects, increased wellness costs, decreased productivity, decreased morale and challenges for recruitment of new employees. Therefore, such events also require thorough and diligent planning.

*“Everyone must have an understanding of what can go wrong. They need to understand the warning signs and how to report behaviors of concern; there must be documented policies related to hostile workplace, weapons, bullying and more. There must be procedures in place to investigate when there are concerns; and trained management must know when to conduct a behavioral risk assessment and have the necessary resources in place to do so.”*

*Suzy Loughlin, Firestorm*

What follows next are common questions related to Workplace Violence Prevention and answered by our **CRISIS COACH®** panel of experts from the law, communications, and crisis industries. Our experts are:

## WHAT IS WORKPLACE VIOLENCE?

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors.

**“The earlier a problem is detected, the less impact it will have on your organization.”**



**Thomas P. McDonough, Principal**

Labor and Preventive Practices , Jackson | Lewis

Thomas P. McDonough is a Principal in the White Plains, New York, office of Jackson Lewis P.C. He counsels employers on a wide range of labor and employment law issues. Mr. McDonough practices extensively before the National Labor Relations Board, the Equal Employment Opportunity Commission, New York's Public Employment Relations Board, OSHA, in state and federal courts, and before various administrative agencies.



**Ian Bogaty, Principal**

Labor and Preventive Practices, Workplace Safety and Health, Jackson | Lewis

Ian B. Bogaty is a Principal in the Long Island, New York, office of Jackson Lewis P.C. Mr. Bogaty practices traditional labor law in areas such as collective bargaining, labor arbitration, and representation and unfair labor practice proceedings before the National Labor Relations Board and improper practices proceedings before the Public Employment Relations Board. Mr. Bogaty also is a national resource for the firm counseling clients in the areas of substance abuse testing in the workplace and workplace safety along with litigating OSHA related claims before the Occupational Safety and Health Administration and Review Commission.



**Ann Pickren, President**

MIR3

Ann Pickren's experience spans the BC/DR, crisis management and supply chain management sectors, providing strategic counsel for many Fortune 500 companies. As President and COO, Ms. Pickren oversees global marketing and sales operations, including sales engineering, direct sales, OEM and channel sales. She also consults directly with customers to develop emergency management and business continuity best practices.



**Suzy Loughlin**

Co-Founder, EVP and Chief Administrative Officer

Suzy is the Co-founder, EVP and Chief Administrative Officer of Firestorm. She leads the Behavioral Risk Threat Assessment (BERTHA™) practice within Firestorm. Suzy provides critical decision support to clients, and has extensive experience in the development of crisis management & communications, workplace violence, emergency response, business continuity and communicable illness plans on behalf of corporations and educational institutions.



**Jim Satterfield**

President, Chief Operating Officer, Firestorm

James (Jim) W. Satterfield is the President/COO and Co-founder of Firestorm®. Jim is a nationally recognized expert, keynote speaker and presenter on crisis management, threat assessment, disaster preparedness and business continuity planning.

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## 1. *How can an organization best identify and mitigate violent risks, including emerging threats and new risks?*

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- **Risk Assessment** – Addressing the dangers of workplace violence must start with a ***vulnerability and threat assessment process***. Understanding the nature of such risks will allow an organization to take appropriate steps in its strategies to mitigate and manage workplace violence. This comprehensive risk assessment should be done at least annually to ensure you identify threats that emerge as a result of personnel, organizational processes, technology, or external environmental changes.
- **Conduct Survey** – Reach out to employees in a proactive manner to determine if there are concerns that might need to be addressed related to training, security, policies, etc.; identify areas of improvements that need further focus.
- **Monitor Trends** – Establish a process for monitoring trends in violent incidents, inside and outside your organization. Regularly review incidents that occur, and adjust strategies and plans accordingly.
- **Create Awareness** – Recognizing behaviors that may be a precursor to an act of violent behavior is a first step to preparedness. Train everyone in the workplace to recognize warning signs—the ‘behaviors of concern’— that should be reported and processed. The goal is to intervene following the exhibition of certain behaviors- long before the employee acts violently.
- **Conduct Pre-Employment Screening** of all employees to help protect against, and prevent the introduction of, potential issues that could impact your work environment. In addition, wherever lawful, the employee release should permit updated checks at the employer’s discretion, as an individual’s circumstances may have changed since the first background check, making the individual no longer suitable for employment or to have access to your facility.
- **Utilize Predictive Intelligence** – The earlier a problem is detected, the less impact it will have on your organization. While there is no guarantee that every threat will be captured, intelligence monitoring must be part of your workplace violence prevention program. There are threats and risks you can identify, before they become crises, if you listen and look. People know things – and when they know, they talk. Today, people talk on social media. Initial threats or risk behaviors are frequently shared or observed on social media. Social Media is not random; it’s targeted. Most social media messages provide specific information about people, organizations or events. Because they are targeted, they can and do convey useful intelligence that can be used to identify threats *before* they become crises. Establishing triggers that align with appropriate monitoring techniques allows your organization to identify and respond appropriately to early indicators of developing events. *What happens tomorrow is*

already on social media today. Your organization should focus on ensuring these monitoring procedures in place.

It should be noted that there are **legal risks** in accessing employee information. Not only may some information on social media be protected under the law, but also an employer runs the risk of learning information about an employee that should not be used in making employment decisions (e.g. protected characteristics such as religion, sexual preference, etc.) Therefore, it is important either that an outside third party be used for monitoring, or if monitoring is to be done internally, that the individual assigned to do so operates behind an informational firewall, with appropriate policies and procedures in place.

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## *2. What can an organization do to create a culture of preparedness, where safety from violence is a common goal of both employees and leadership?*

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- Senior leadership and all employees must understand that preventing violence is a responsibility that everyone must share in the workplace.
- Workplace violence prevention is a long-term management issue. It is not something that can effectively be addressed every time there is a new alert or increased sense of risk. Solutions hastily implemented under such circumstances can be costly and less effective than solutions implemented as the result of careful planning. Therefore, adequate authority and budgetary resources must be given to the parties involved so that goals and responsibilities can be met
- A culture of preparedness starts at the top but must be systemic and consistent from top to bottom. Senior management and the board of directors must evidence their commitment to the program by passing a board resolution or policy, and allocate funding to the program. Employees must be given the tools and the training to perform their roles and responsibilities in the program.

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## *3. What components of a workplace violence prevention program should be implemented that clearly demonstrate to employees that an organization is taking the necessary steps to address threats of violence?*

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- **Documented policies (e.g. Hostile Workplace, Weapons, and Bullying)** – Preparedness is a strategic issue to be considered by every board member of every organization. Only with the board's documented support, and explicit support through policies and board resolutions, will your workplace be able to develop a robust preparedness program that ensures the ability to identify, mitigate, respond to and manage threats and disruptions that could jeopardize the safety and security of your organization, its people, property, operations and reputation.

Having documented policies in place emphasizes to employees the commitment you are making to their wellbeing and safety.

- **Fund the Workplace Violence prevention program** – Only with sufficient funding allocation towards the program, will your workplace be able to develop a robust preparedness program that ensures the ability to identify, mitigate, respond to and manage threats and disruptions that could jeopardize the safety and security of your organization, its people, property, operations and reputation.
- **Physical Security** – Implement appropriate controls to enhance physical security in the workplace to help prevent unwanted and unauthorized access to the workplace environment.
- **Emergency Response Plan** – Another critical component of any workplace violence plan is the segment that outlines the specific steps to be followed at the onset of an incident. How well these initial procedures are executed is key to the protection of human life and the ability to limit the impact of the incident. An incident/emergency response plan guides individuals in ‘what to do’ and ‘how to do it’ when disaster strikes. In every emergency, there are only two choices – do you stay or do you go? Knowing the answer can mean the difference between life and death.

In order to develop necessary emergency response protocols, every workplace must first evaluate the threats and risks to which they are vulnerable. Once the threats are understood, response protocols can be developed and documented as part of a comprehensive emergency response plan. These response protocols – evacuation, shelter, lockdown and lockout – outline the specific steps to be followed at the onset of an incident. Emergency response plans should clearly document defined roles, responsibilities, and procedures for designated on-site emergency response teams. Everyone should then receive training on what their roles and responsibilities are in an emergency. After training, the plan should be **tested through drills and simulations.**

- **Incorporate test notifications as part of your training of the Emergency Response Plan.** When employees and staff are familiar with communication protocols and understand how they will receive information and how they are expected to respond, their responsiveness will increase, will be clearer, and will ultimately be more useful for those in charge.
- **Assign roles and responsibilities** – (Management Oversight Committee, Threat Assessment Team, Human Resources, Security, and Employees.) To be most effective, a Workplace Violence Prevention Program requires a multidisciplinary approach, drawing from different parts of the management structure, with different tasks, perspectives, areas of knowledge, and skills. Defining the appropriate roles and responsibilities will provide a foundation that includes key individuals who clearly understand and can execute their assigned responsibilities.
- **Provide a tool for anonymous reporting** – Every Workplace Violence Prevention Program must include the means and methods for employees to report concerns or incidents of workplace violence. By providing a confidential/anonymous mechanism, you will remove any impediment to the decision to report developing situations.
- **Implement a Behavioral Risk and Threat Assessment process** – Such a program includes:

- Awareness training on warning signs/behaviors of concern
- Reporting capabilities – including anonymous reporting
- Central Repository – to store information reported on each employee
- Investigation – defined process with time lines
- Behavioral Threat Assessment – making a determination as to whether an employee is on a path to violence
- Action Plan for the Employee – Intervention/Corrective Actions/Discipline/Termination
- Monitoring of Employee – Business Intelligence Network
- **Deploy a Notification System** – Every organization needs to have a means to notify all employees within a workplace of an incident immediately as it is developing – and to receive responses from employees regarding their status. The use of a PA system and mass notification system should be considered.

When thinking about mass notification, **consider alternative delivery paths** – Some situations make the use of traditional notification delivery (email, phone, SMS, etc.) less optimal. The notification should be able to control devices targeted to the recipients based on the situation at hand. Alternative delivery paths, such as a mobile app, a desktop pop-up, or an RSS feed can often be a safer and more selective way to communicate in workplace crises.

- Mobile App should be able to receive and deliver messages to the recipients with either connectivity to WI-FI or mobile data networks
- Desktop alerts should be able to broadcast alerts to the desktops of specific individuals, desktops at a specific network address or a set of addresses, or to all the desktops within your network. The messages can be delivered with or without audible alerts.
- RSS readers can also be utilized for the receipt of broadcast information
- **Build Relationships with First Responders** – Workplaces are encouraged to build strong relationships with local law enforcement and first responders. Sharing your workplace's plans and procedures with local law enforcement, seeking their input, and including first responders in test exercises and drills, will help your workplace know how to effectively interface with these resources during an emergency. In addition, first responders will know what to expect when they arrive, thereby removing the element of 'surprise,' which is never good in an emergency or crisis.

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#### 4. *On what topics do employees need to be educated to help prevent and respond to violence in the workplace?*

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- **Each employee plays a very critical role** in identifying and preventing workplace violence.
- Employees must understand **their responsibilities in identifying early warning signs** that can lead to prevention of workplace violence, and **how to report them**, before they turn into acts of violence. Violent, threatening, harassing, intimidating, or other disruptive behavior should not be ignored.

Information sharing is the key to prevention.

- **Maintain Personal Safety** – In an emergency, employees must know how to keep themselves safe and how to report the emergency and alert other employees.
- **Maintain Workplace Physical Security** – Each employee should assume responsibility for reporting malfunctions in door locks or equipment, for making sure locked doors close behind them, and for not letting unknown persons 'tailgate' behind them when entering a secure area.

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## 5. *What should an employer do in response to a report of threatening behavior or behaviors of concern?*

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- **Bring together the Threat Assessment Team** or contact third-party resource for assistance – The Threat Assessment Team is a multi-disciplinary group of individuals who have received special training in risk evaluation, threat assessment, and conflict resolution. This team is the day-to-day group selected to respond to reported threats, behaviors of concern, and all incidents brought to their attention. When needed they bring in outside resources (forensic psychologist, law enforcement, social worker, etc.) to assist with behavioral risk assessment.

A well-trained Threat Assessment Team can perform a preliminary assessment internally to determine an employee's risk level that would indicate a need for third-party intervention. Identifying a resource ahead of time is important, as time will always be of the essence when concerns arise about an employee being on a path to violence hurt themselves or others.

- **Conduct an investigation** – There should be clear documentation on how the organization will investigate complaints and incidents. Employees must believe that their reports will be dealt with in a consistent and timely manner. Without a defined process in place, your organization cannot ensure consistent handling of all reported incidents. A prompt investigation of, and follow-up response to, reports of workplace violence or harassment incidents, will emphasize the importance your organization places on eliminating these types of behaviors in the workplace. Without a prompt response to any reported or developing incident, there is a risk the incident will escalate before action can be taken.
- **Disciplinary/Corrective Actions** – Appropriate discipline should be based on the presumed level of risk, and may range from verbal counseling to immediate termination, depending on the severity of the circumstances, the individual's past record, and his/her position within the organization. Regardless of the disciplinary response elected, employees must be treated with respect, giving them a chance to be heard – letting them tell their side of the story – even if it will not change the outcome. Your workplace requires a consistent approach to terminations, conducted by personnel who have received training on termination approaches, so they reduce the likelihood of an employee feeling ill will toward your workplace. It is recommended that experienced HR professionals always be part of the termination process. Any corrective actions taken after an incident must be fair and consistent. Your employees must feel that there is no discrimination in dealing with incidents, regardless of who created the incident or where it occurred.

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## 6. *What procedures, as well as physical/security/communication enhancements, does an organization need to have in place to support an employee when confronted with an act of violence?*

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- **Emergency response protocols** – lockdown, lock out, evacuate. An effective Workplace Preparedness Program requires training and awareness throughout all levels of the organization, so that everyone knows ‘what to do’ and ‘how to do it,’ as well as ‘what not to do’ in the event disaster strikes. Employees must be trained on incident response protocols related to violence, e.g., flee, hide, and fight.
- **Safe Rooms** – The location of safe rooms within your facility, if available, provides a place for employees to seek refuge in the event of a workplace violence attack. Ideally, these rooms lock, with no windows and preferably have communications capabilities within them.
- **Notification tools** – to make everyone aware, in real time, of an event that is unfolding, e.g., PA or Intercom system, mass notification tool.

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## 7. *What are the impacts and exposures resulting from an episode of workplace violence?*

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While workplace shootings are very low probability events, they have extreme impacts that require planning in the event of an incident:

- **Loss of life and extensive injuries**
- **High employee turnover**
- **Legal damages**
- **Reputational harm**
- **Regulatory fines/penalties**
- **Financial Loss**

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## 8. *Is there any insurance to protect against the active shooter exposure?*

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- Most organizations carry general liability and workers compensation insurance. To some degree, these policies will be responsive to an act of violence that occurs in the workplace.
- Additionally, some insurance policies offer a crisis management endorsement that will bring resources to bear to help your organization in the aftermath of a workplace violence event. Resources could include critical decision support, crisis communications, crisis/grief counseling, and a recovery site.
- Deadly Weapon Response coverage is currently offered to educational institutions by Beazley Insurance. Beazley is in the process of expanding this coverage to other business sectors. This is a primary liability cover for suits arising from harm caused by attacks using deadly weapons. Built into the coverage is:



- Risk assessment of insured locations
- Sub-limit for specialist Crisis Management Services
- Sub-limit for post event counselling service
- Access to Firestorm services
- 24-hour crisis management service to help you respond immediately by securing your premises, putting in place a recovery plan and arranging emergency communications.
- There are Active Shooter policies currently on the market for the healthcare sector as well.
- Review your organization's insurance coverage with your broker/agent.

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### *9. What can an organization do now to prepare to manage a workplace violence crisis effectively?*

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- Develop and implement a Crisis and Consequence Management Plan.
- Develop a Communication Plan, with message maps. Identify spokespersons and provide communication/media training.
- Implement a robust notification system that will support the use of multi-modal messaging, incorporating the ability to send silent alerts, desktop alerts, and employee accountability functionality to support communication during and after a crisis.
- Establish relationships with outside experts that can provide support.

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### *10. What are the outside resources every organization should have a relationship with in advance of an act of violence in the workplace?*

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- Law Firm (e.g., Jackson Lewis)
- Security Firm (e.g., Firestorm Expert Council)
- Crisis Management Firm (e.g., Firestorm)
- Grief Counseling Firm (e.g., Firestorm Expert Council)
- Mass Notification Firm (e.g., MIR3)
- Forensic Psychologist/Behavioral Threat Assessment Professional (e.g., Firestorm Expert Council)

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two-way notification for groups from one to many thousands. Visit [www.mir3.com](http://www.mir3.com)

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Firestorm® is America's *CRISIS COACH*®. Since 2005, Firestorm has assisted clients in transforming crisis into value. The Firestorm PREDICT.PLAN.PERFORM.® methodology combines best practice consulting with proven crisis management expertise, empowering clients to manage risk and crisis.

Firestorm assesses, audits, develops, trains and tests strategies and programs encompassing emergency response, business continuity, crisis management, and crisis communications/PR. Firestorm demonstrates thought leadership in workplace violence prevention, cyber-breach response, communicable illness/pandemic planning, predictive intelligence, and every preparedness initiative. Visit us on the web at [www.firestorm.com](http://www.firestorm.com)

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