Workplace Violence White Paper

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What is Workplace Violence?

Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths. However it manifests itself, workplace violence is a growing concern for employers and employees nationwide.

Any definition of workplace violence must be broad enough to encompass the full range of behaviors that can cause injury, damage property, impede the normal course of work, or make workers, managers, and customers fear for their safety. The National Institute for Occupational Safety and Health (NIOSH) defines workplace violence as, "*violent acts, including physical assaults and threats of assault, directed toward persons at work or on duty.*"

The Occupational Safety and Health Administration (OSHA) expands this definition to the following: Workplace violence is any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbings, suicides, shootings, rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence, and (including cyber-bullying) harassment of any nature such as being followed, sworn at or shouted at.

The Workplace Violence Spectrum

Behaviors of Concern — Threatening Behavior — Physical Injury — Death

At the low end of the ASIS workplace violence spectrum above are disruptive, aggressive, hostile, or emotionally abusive behaviors that generate anxiety or create a climate of distrust, and that adversely affect productivity and morale. These behaviors of concern could – but will not necessarily – escalate into more severe behavior falling further along the workplace violence spectrum; however, independent of the question of possible escalation, these behaviors are in themselves harmful, and, for that reason, warrant attention and effective intervention.

Further along the spectrum are words or other actions that are reasonably perceived to be intimidating, frightening, or threatening to employees and that generate a justifiable concern for personal safety. These behaviors include, among others, direct, conditional or veiled threats, stalking, and aggressive harassment.

At the high end of the spectrum are acts of overt violence causing physical injury. These acts include non-fatal physical assaults with or without weapons – including pushing, shoving, hitting, kicking, or biting – and, in the worst cases, lethal violence inflicted by shooting, stabbing, bombing or any other deadly means.

Consider the Following Statistics:

- 1970's-Present: Incidents of workplace violence have tripled. Major contributors include:
    - Aggressive employees
    - Domestic violence brought into the workplace
    - Employers not taking recurring threats seriously
    - Ethnic differences among workers
    - Negligent hiring, supervision, or retention of aggressive employees
    - Substance abuse

- 70% of workplaces have no formal workplace violence program, despite findings that there are thousands threats of violence every workday[1]

- 43% of those threatened and 24% of those attacked at work do not report the incident[2]

- In 2008, the most recent year measured by the Bureau of Labor Statistics, shootings accounted for 80 percent of all homicides (421 fatal injuries). Co-workers and former co-workers were the assailants in 12 percent of all shootings. Robbers were the assailants in another 40 percent of cases in 2008. Nearly half of these shootings (48 percent) occurred in public buildings, thereby endangering the work environment. [3]

- Simple assaults make up about 95% of all violence in the workplace.[4]

- Workplace homicides rose 13 percent to 610 in 2007 after reaching a series low of 540 in 2006.[5]

- Women were identified as more likely to be a victim of homicide in the workplace.[6]

1. What Are Examples?

According to the National Institute for Occupational Safety and Health (NIOSH), workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the work setting that includes, but is not limited to:

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[1] ASIS 54th Seminar, 2008
[2] ASIS 54th Seminar, 2008
[3] Workplace Violence News Fact Sheet, July 20, 2010, Bureau of Labor and Statistics
[4] You-can-learn-basic-employee-rights.com.
[5] United States Department of Labor Bureau of Labor Statistics, 2008
[6] United States Department of Labor Bureau of Labor Statistics, 2008

- Psychological
  - Intimidating presence
  - Harassment (being followed, sworn at, or shouted at)
  - Obscene phone calls
  - Threats
- Physical
  - Beatings
  - Rapes
  - Shootings
  - Stabbings
  - Suicides

Workplace Violence Falls into Four Broad Categories

Type 1: Violent acts by criminals, who have no other connection with the workplace, but enter to commit robbery or another crime.

- Type 1: These acts account for the vast majority of workplace homicides. In these incidents, the motive is usually theft, and in a great many cases, the criminal is carrying a gun or other weapon, increasing the likelihood that the victim will be killed or seriously wounded.

- Preventive strategies for Type 1 include an emphasis on physical security measures, special employer policies, and employee training.

- The response after a crime has occurred will involve the usual law enforcement procedures for investigating, finding and arresting the suspect, and collecting evidence for prosecution.

Type 2: Violence directed at employees by customers for whom the company provides services.

- Type 2: In general, these verbal threats, threatening behavior or physical assaults are committed by an assailant who either receives services from or is under the custodial supervision of the affected workplace or the victim. Assailants can be current or former customers/clients such as passengers, patients, students, criminal suspects or prisoners.

- The customer/client may be provoked when s/he becomes frustrated by delays or by the denial of benefits or services.

- Violent reactions by a customer may be unpredictable, triggered by an argument, or anger at the quality of service or denial of service, delays, or some other precipitating event.

Type 3: Violence committed by someone that has employment-related involvement with the company.

- Type 3: These verbal threats, threatening behavior or physical as assaults are committed by an assailant who has some employment-related involvement with the workplace – a current or former employee, supervisor/manager, for example. In committing a threat or assault, the individual may be seeking revenge for what is perceived as unfair treatment.

- This type of violence can usually be divided into two sub-types: violence between supervisors/managers and subordinates, and violence between co-workers or peers.

- Violence in this category usually comes with a much greater chance that some warning signs will have reached the employer in the form of observable behavior. That knowledge, along with the appropriate prevention programs, can mitigate the potential for violence or prevent it altogether.

Type 4: Violence committed by someone with whom the victim has a personal relationship.

- Type 4: These assaults involve verbal threats, threatening behavior or physical assaults by an assailant who, in the workplace or on workplace property, confronts an individual with whom s/he has or had a personal relationship outside of work. Personal relations include a current or former spouse, lover, relative, friend or acquaintance.

- The assailant's actions are motivated by perceived difficulties in the relationship or by psycho-social factors that are specific to the assailant. This category includes victims of domestic violence, assaulted or threatened, while at work.

2. How Prepared is your Organization?

The Occupational Safety and Health Administration (OSHA), reports that approximately two million Americans are victims of workplace violence each year.

In a 2007 Harris Poll, when employees were asked about their specific workplace environments, the following was reported:

- Less than half (43%) indicated that their employers offered workplace violence training

- 11% indicated an awareness of assaults or violent acts in the workplace, up from 9% in 2000

- 19% indicated awareness of threats or verbal intimidation at work, up from 18% in 2000

✓ 28% of workers reported being so stressed at work that they screamed; 20% reported that they cried; 10% reported they had thrown an object while stressed at work. [7]

Costs of Workplace Violence

More is also being learned about the price companies pay for workplace violence. It is well understood that a workplace shooting will result in substantial legal bills, and that the harm to reputation, brand, and employee morale may be incalculable, but there is increasing evidence that threats, intimidation, and other bullying behavior is a real drain on company productivity as well. According to a study by the University of Georgia, incidents of workplace violence cost the United States $70 billion annually, with $64.4 billion attributed to loss in workplace productivity. Liberty Mutual Insurance Co. ranks assaults and violent acts as the 10th most-common cause of disabling injuries in the workplace, costing employers $600 million in 2007. That cost was 50 percent higher than the prior year as violence increased to just more than 1 percent of all disabling injuries.

> *According to the Department of Labor and NIOSH historical data, during the 6-18 weeks following an act of workplace violence, employers reported up to a 50 percent loss in productivity and a 20-40 percent turnover rate. Should litigation follow, and it usually does, the average out-of-court settlement for "negligence" is approximately $500,000, and the average jury award is around $3 million.*

Associated Legal Issues

Workplace violence legal issues can be divided into two broad categories. [8]

✓ The first arises from the legal responsibility of an employer to safeguard against preventable harm to employees, customers, and anyone else visiting a workplace: in other words, the duty to prevent violence.

✓ The second has to do with an employer's obligation to respect employee rights during any investigative or disciplinary process stemming from an incident involving workplace violence or a threat of violence: that is, the duty to appropriately manage incidents or threats that have occurred.

3. What Can You Do?

Whether workplace violence stems from a current or former employee, an unknown assailant, or an employee's spouse, many incidents are foreseeable and/or preventable. However, management is often untrained and ill-equipped to recognize a developing situation and therefore unable to take appropriate action.

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[7] *Harris Poll, October 2007*

[8] ASIS Workplace Violence Prevention and Response Guideline, 9/2005

Although workplace violence can often be unforeseen, it may often be the ultimate outcome of continued issues involving employees and/or management. Either way, there are steps to take to prevent workplace violence and to protect employees. Having a system to report workplace violence threats, or tell-tale signs of such is one way that organizations can intervene before a situation culminates into full violent incident. Eliminating violence in the workplace before it happens should be a top priority for every executive, manager and team leader. Organizations should establish a workplace violence policy as part of their overall Business Continuity Programs.

Preventing violence calls for more than a routine or standard approach. Organizations and working conditions will vary from one company to another, as will the risks and challenges to employee safety. Not all organizations will have the same resources, and not all management teams will have the same knowledge and experience on violence issues. That being said every organization should have general principles to guide your organization toward a successful approach to workplace violence prevention.

A comprehensive Workplace Violence Prevention Program requires a cultural change, not just the incorporation of the latest security technology. Policies, procedures, and people are the key building blocks to an effective program and safe environment. Careful planning will integrate a Workplace Violence Prevention Program with an organization's existing business continuity plans, processes, and procedures, in order to mitigate damages caused by a predicted or unforeseen crisis. Your organization must address procedures for safeguarding employees and property against workplace violence incidents such as theft, sabotage, vandalism, and acts of terror.

> **Workplace Violence Myth: Most Incidents Come Out of the Blue.**
>
> *The fact is that these incidents don't just happen spontaneously. People work through a process—there is a pathway that people will pursue toward ultimately committing violence.*
>
> *John Lane, vice president of crisis and security consulting at Control Risks*

Almost all corporate disasters and crises are preceded by warning signals. Acknowledging these signals and developing plans and infrastructure to manage the events which follow, dramatically improves the outcome for all stakeholders. A well designed and executed plan can transform a crisis. Proper planning requires that an organization **PREDICT** the vulnerability, **PLAN** the response, and **PERFORM** when the event occurs. A strategic advantage and significant market differentiation will likely result from the planning effort.

Responsibility for workplace violence prevention and response does not fall neatly into any one segment of an employer's organizational chart. It is not exclusively a security issue, a human resources issue, an employment law issue, a behavioral issue, or a management issue, but

instead touches on each of these disciplines. Consequently, determining who in an organization will be responsible for dealing with the many aspects of workplace violence is not a simple matter. The most effective response requires a multidisciplinary approach, drawing on different parts of the management structure, with different tasks, perspectives, areas of knowledge, and skills.

- ✓ *Human Resources*: Leadership role in development of violence prevention strategies; screening tools and systems during the hiring process
- ✓ *Legal*: Safeguards the organization from legal liability
- ✓ *Operations*: Management of termination
- ✓ *Security:* Contacted first if violence or threat of violence occurs

Every Crisis is a Human Crisis

Your organization must lead to active participation among all levels and divisions within an organization. This involvement accomplishes buy-in and active support of the overall planning process and, more importantly, facilitates coordination in the event of a crisis. Increasing awareness and obtaining agreement on the vulnerabilities, decision criteria, action plans, coordination, as well as execution, is critical to the success of any program.

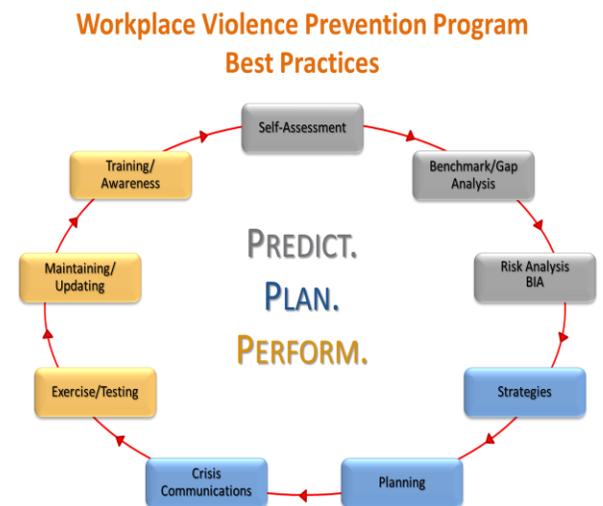## Workplace Violence Prevention Lifecycle Program Process

There is no single prescription for reducing violence in the workplace. Each organization is unique and operates in a different social, cultural, ethnic and economic environment. When planning workplace safety issues, you will need to consider your organization's culture, history, size, industry, and work force. Follow Firestorm's **PREDICT. PLAN. PERFORM.®** process to build your Workplace Violence Prevention Program**.**

The PREDICT Phase

- ✍ Assess your current readiness level;
- ✍ Identify and classify the critical risks;
- ✍ Define triggers;
- ✍ Ascertain critical decisions, analyze gaps;
- ✍ Identify infrastructure needs; and
- ✍ Define reporting and investigating requirements.

The PLAN Phase

- ✍ Develop the strategy;

Workplace Violence Prevention Program Best Practices

PREDICT. PLAN. PERFORM.

Self-Assessment — Benchmark/Gap Analysis — Risk Analysis BIA — Strategies — Planning — Crisis Communications — Exercise/Testing — Maintaining/Updating — Training/Awareness

- Construct the plan, including policies & procedures;
- Identify key personnel;
- Develop training and awareness programs.

The PERFORM Phase

- Establish protocols for implementation, first responder/community involvement, communications, test exercises, audits, reviews, updates, and compliance.

Following an Incident of Workplace Violence

It is very important to respond appropriately, i.e., not to overreact but also not to ignore a situation. Sometimes it may be difficult to determine the severity of the situation. Supervisors/Managers should discuss the situation with the Workplace Violence Prevention Oversight Committee or other expert resources, as needed, to get help in determining how best to handle the situation.

Employers should encourage all employees to report and log all incidents and threats of workplace violence. Following any act of violence against personnel at the workplace, employers should:

- Provide prompt medical evaluation and treatment to any affected employees immediately after the incident.

- Report violent incidents to the local police and the organization's Workplace Violence Prevention Oversight Committee.

- Advise victims of their legal right to prosecute perpetrators.

- Ask witnesses to the incident to remain on the property until a statement can be taken independently from each of them. Each employee's statement should include what they saw, what happened, who was involved, and any other relevant information. Provide these statements to those conducting the investigation.

- Discuss the circumstances of the incident with staff members. Encourage employees to share information about ways to avoid similar situations in the future.

- Offer stress debriefing sessions and posttraumatic counseling services to help workers recover from a violent incident.

- Investigate all violent incidents and threats, monitor trends in violent incidents by type or circumstance, and institute corrective actions.

- Discuss openly the risks and signs of employee violence during regular employee meetings.

Whereas well-conducted investigations can result in making appropriate decisions, those that are poorly conducted can increase the likelihood of un-supportable decisions, liabilities and other costly risks for employers.

4. Begin Building Your Program Today

Workplace violence prevention is a long-term 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.

A systematic approach needs to be established to engage senior leadership, conduct analysis of impacts, design policies, procedures, and communications, and manage foreseen and unforeseen acts of workplace violence.

Steps to get You Started:

Step 1) Complete a Workplace Violence Self-Assessment to benchmark your program against current industry standards and best practices. A pre- and post- planning self-assessment will measure your company's maturity level both before and after implementation of a program.

Step 2) Foster a supportive, harmonious work environment: Creating a culture of mutual respect can help reduce harassment and hostility in the workplace. In such a culture, employers strive to communicate openly, give employees adequate control in their work and provide them with support and recognition. Conflict and stress are lower when employees feel empowered to work independently and are motivated to work cooperatively.

Step 3) Assess Risks: Complete a hazard assessment and risk analysis of your workplace environment, as it relates to workplace violence and security.

Step 4) Set up a framework for your Workplace Violence Prevention Program: Develop the foundation of how your Workplace Violence Prevention Program will be structured and document your commitment to preparedness. The framework will define overall responsibility for the program, expectations of the overall program and overriding principles that will be used in establishing a comprehensive Workplace Violence Prevention Program for your company. The program will include details on how to report the incident, which key internal supervisors/managers and external authorities should be alerted, how to maintain the safety of unaffected workers and security precautions to prevent further trouble. Companies may also wish to make arrangements to

provide individual crisis counseling and support groups for affected employees soon after the incident occurs.

Step 5) Develop an effective workplace violence policy to protect employees: While all companies strive to build a culture devoid of violence, harassment and discrimination, they can advance this goal by having systems in place to address infractions. The key is a strict workplace violence policy that clearly denounces all types of workplace violence and states unequivocally that it will not be tolerated. A thorough policy defines acts of workplace violence, specifies how to report it, explains how complaints will be investigated and presents the consequences.

Step 6) Establish procedures for reporting acts of violence: Employees need to understand procedures for reporting complaints of unfair treatment, discrimination or harassment, believe that those procedures will be followed, and feel confident that concerns will be addressed promptly and confidently.

Step 7) Implement preventive measures that protect employees: Your company should have a variety of methods for ensuring workers' safety that may include full-time or after-hours security guards, high-tech monitoring systems, emergency warning systems, limited access key cards, strict visitor sign-in policies, new employee background screening, and safety awareness and training. Companies that regularly evaluate their security programs can best determine if they are meeting Company and employee needs.

Step 8) Begin training: Once the program is nearing completion, it's time to start developing and implementing training and awareness programs.

Train employees and supervisors how to recognize signs of a troubled employee. One way to reduce the potential for workplace violence is to intervene before an incident reaches a flash point. Employees can be given training on how to recognize signs and symptoms of a potentially violent employee, such as threatening behavior or preoccupation with violence. Also, supervisors/managers can be instructed on how to be sensitive to signs of possible abuse among employees, such as frequent absences or depression.

Train supervisors/managers and employees how to resolve conflicts. Conflict on the job can be reduced by developing employees' skills in negotiating, communicating effectively, team building, and resolving disputes. In addition, supervisors can be trained on how to document and address work-performance and attitude problems and refer employees for help.

Step 9) Establish a personal counseling program through an Employee Assistance Program, or equivalent: Family, marital, financial, and personal issues can have a profound impact on employees' work performance as well as their social interaction at work. If a violent or threatening incident occurs at work, support services should be made available to help employees cope with

their fears and concerns. An Employee Assistance Program (EAP) provides employees with a free, easily accessible and confidential resource for addressing personal concerns.

Step 10) Begin monitoring based on preventive measures and early warning signs. Identifies behaviors and situations to be monitored, and includes identified triggers that would result in the associated plan being activated.

Step 11) Complete a post Self-Assessment
Following completion of the 10 steps above, conduct a post self-assessment to measure your progress toward best practices. Self-Assessment scores will continue to improve as you remain committed to reevaluate your program on an annual basis and update plans, policies, and procedures, as needed based on evaluation results.

NOTE: Continuous Improvement

Keep in mind that this is a PROGRAM you are developing, not just a PROJECT to create a plan. Ongoing changes and developments will require adjustments to the program.

Firestorm can be contracted for additional assistance, self-assessment of your plan, ToolKits, training and support at www.firestorm.com.