

Questions—and Answers

Workplace Violence—What Can Employers Do to Prevent It?

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Five faculty members were among the 32 people murdered April 16, 2007, on the campus of Virginia Tech in Blacksburg, Virginia. The Virginia Tech massacre has renewed the focus on what steps employers can and should take to reduce the likelihood of violence in the workplace.

Workplace violence is not a rarity. According to the Bureau of Labor Statistics (BLS), in 2005, nearly half of employers with over 1,000 employees reported an incident of workplace violence in the previous 12 months.¹ In addition, a 2004 *USA Today* analysis indicated that an average of 25 people per week are injured as a result of workplace violence, and there is one fatality a week from workplace violence.² More subtle forms of workplace violence occur in workplaces around the country at astonishing rates.

HOW IS WORKPLACE VIOLENCE DEFINED?

Violence in the workplace can come in all forms and severity levels. The term *workplace violence* is often overused; it is more accurate to use both the terms *workplace violence* and *inappropriate workplace aggression* to define the full range of aggressive actions (and inactions) that can occur in the workplace.

Homicide is the most publicized form of workplace violence, but it is certainly not the most common type of behavior considered workplace violence. Nonlethal forms of violence occur much more frequently than fatal assaults. A broad range of conduct is considered workplace violence, including the following:

- Sabotage of a coworker or manager causing damage to his or her property,
- Violent confrontations in the workplace,

- Some forms of sexual harassment,
- Threats of violence by an employee,
- Assaults in the workplace,
- Armed robbery of employees,
- Suicide at the workplace,
- Hostage incidents in the workplace, and
- Homicide.

One of the first steps in preventing workplace violence is recognizing it. Workplace violence is not just a murderous shooting rampage. The familiar phrase “going postal” is actually a myth. The Postal Commission released a report that found that postal workers are no more likely to physically assault, sexually harass, or verbally abuse their coworkers than employees in the private sector. In fact, the commission’s study found that retail workers are eight times more likely than postal employees to be homicide victims at work, and taxi drivers are 150 times more likely than letter carriers to be homicide victims at work.

WHAT IS INAPPROPRIATE WORKPLACE AGGRESSION?

Inappropriate workplace aggression is an act or inaction intended to cause harm to another individual in the workplace or to the organization. Inappropriate workplace aggression includes both active and passive behaviors. Inappropriate workplace aggression can include the following behaviors and acts:

- Yelling or screaming,
- Use of derogatory names,
- The “silent treatment,”
- Withholding of necessary information,
- Aggressive eye contact,
- False or negative rumors,
- Explosive outbursts of anger, and
- Ridiculing a colleague in front of others.

If left unchecked, inappropriate workplace aggression may escalate and create an extremely hostile workplace that can eventually lead to an act or acts of physical violence.

WHAT ARE THE TYPES OF WORKPLACE VIOLENCE IDENTIFIED BY OSHA?

The federal Occupational Safety and Health Administration (OSHA) recognizes four types of workplace violence: Type I, criminal intent violence;

Type II, customer/client violence; Type III, worker-on-worker violence; and Type IV, personal relationship violence.

It is commonly, and wrongly, perceived that the majority of workplace violence involves Type III events such as assaults and murders by disgruntled former or current employees. Although these events are highly publicized by the media and generate significant public concern, they actually account for less than 10 percent of total workplace homicides. The following are descriptions of the various types of workplace violence.

Type I: Criminal Intent Violence

Type I is the most common source of worker homicide. According to OSHA, 85 percent of all workplace homicides fall into this category and usually have the following characteristics:

- The perpetrator does not have any legitimate business relationship with the establishment.
- The primary motive is theft.
- A deadly weapon is involved, increasing the risk of fatal injury.

Workers who exchange cash with customers as part of their jobs, work late-night hours, and/or work alone are at greatest risk of this type of violence.

Type II: Customer/Client Violence

These acts of violence can occur long after the business relationships have ended. Type II workplace violence incidents account for 3 percent of yearly workplace homicides and are usually characterized by the following:

- The perpetrator is a customer or a client of the employee(s).
- The violent act occurs in conjunction with the worker's normal duties.
- The risk of violence to some workers in this category (e.g., mental health workers and police) may be constant and even routine.

In Type II incidents, the perpetrator generally becomes violent during the course of a business transaction or professional relationship.

Type III: Worker-on-Worker

In Type III incidents, an employee or former employee assaults or attacks his or her current or former coworker(s) or supervisor(s). These incidents

often take place after a series of increasingly hostile behaviors from the perpetrator. Type III worker-on-worker violence surprisingly accounts for less than 10 percent of all workplace homicides. The motivating factor is usually related to interpersonal or work-related disputes.

Type IV: Personal Relationship

Type IV incidents typically occur when an employee's current or former intimate partner appears at the employee's workplace and engages in hostile behavior. Victims are overwhelmingly, but not exclusively, women.

Generally perpetrators are not employees or former employees of the affected workplace. The conflict is a spillover of domestic violence into the workplace.

WHAT'S BEHIND WORKPLACE VIOLENCE?

Individuals don't just "snap," although this is a common and sometimes deadly misperception. *USA Today* reported that in 224 instances of fatal workplace violence examined, almost 80 percent of killers exhibited warning signs.³ Perpetrators often plan their attacks with great precision and make detailed plans and preparations for their violent acts. In many cases, the victims are targeted because the perpetrator believes them to be responsible for their current difficulties. Rejection, either real or perceived, is often cited as an impetus for violence.

What Behaviors or Conditions May Precede Workplace Violence?

Precursors to violent behavior are often problems that existed long before the aggressive episode. Although many analyses seek to create a profile of perpetrators of acts of workplace violence, many aggressors do not fit into such objective criteria. It is more useful to be aware of underlying behaviors that might allow violent tendencies to thrive and to look at triggering behaviors that might propel the individual to actually commit a violent act or acts—for example:

- Being a loner with little social support;
- Spotty job history and unexplained job absences;
- Inattention to appearance and hygiene;
- Loss of personal power and control over one's job or home life;
- Unmet physical needs, such as a lack of adequate housing or health care;
- Addictions or impairments;
- Personal problems and depression;

- A preoccupation with previous incidents of violence or a fascination with violent and/or sexually explicit movies or publications;
- A history of violence toward women, children, or animals;
- Loss of, or damage to, self-respect; and
- Fear for safety or welfare of self or loved ones.

What Triggering Events Can Lead to Acts of Violence?

Triggering events often precede acts of workplace violence. This is especially true if the individual in question has already exhibited some of the precursor behaviors. Here are some common triggers:

- Submission of a grievance that was ignored;
- Being fired, laid off, passed over for promotion, or suspended;
- A personal crisis, such as a failed romance;
- Escalation of domestic problems;
- Serious health problems (self or family member);
- Disciplinary action, a poor performance review, or criticism from boss or coworkers;
- Bank or court action, such as a foreclosure, restraining order, or custody hearing; and
- Benchmark date, such as an anniversary, birthday, date of the Oklahoma City bombing, or Hitler's birthday.

If an employee already displays some of the underlying precursor behavior, and a triggering event or events occur, the employee may feel further rejected, ostracized, or desperate. These feelings can lead to devising a plan to "solve all their problems" or do harm to the individuals the employee feels have contributed to his or her seemingly hopeless situation.

WHY DOES WORKPLACE VIOLENCE CONTINUE TO OCCUR?

Sadly, acts of workplace violence still germinate in the workplace because employees and supervisors are largely untrained in spotting the warning signs that can lead to workplace violence. Aggressive and inappropriate behavior is often allowed to continue in the workplace unabated. In fact, failure to curtail inappropriate workplace aggression and "looking the other way" when employees behave inappropriately actually causes the behavior to escalate.

Employees are often unsure about what types of potentially violent behavior they should report—or whether situations should be reported at all. Perceived roadblocks may also prevent employees from reporting, including not

wanting to be perceived as a troublemaker, rationalizing the perpetrator's behavior as not that serious or done in jest, not wanting to get a coworker or third party "in trouble," and fears of retaliation by the employer and/or aggressor. Employees and supervisors need training on how to identify and report troublesome behavior.

WHAT IS AN EMPLOYER'S RESPONSIBILITY TO PREVENT WORKPLACE VIOLENCE?

Although currently there are no specific federal OSHA standards to address workplace violence, the federal Occupational Safety and Health Act (OSH Act) stipulates that "each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." Encompassed within this general requirement is an employer's obligation to do everything that is reasonably necessary to protect the life, safety, and health of employees, including the adoption of practices, means, methods, operations, and processes reasonably adequate to create a safe and healthful workplace.

In workplaces where the risk of violence and serious personal injury are significant enough to be "recognized hazards," the general duty clause would require the employer to take feasible steps to minimize those risks. Failure of an employer to implement feasible means of abatement of these hazards could result in a violation of the OSH Act.

WHAT POLICIES SHOULD EMPLOYERS HAVE REGARDING VIOLENCE PREVENTION?

Shockingly, over 70 percent of U.S. workplaces do not have a formal program or policy that addresses workplace violence, according to the 2006 Bureau of Labor Statistics survey. All employers—regardless of size—should have a zero-tolerance policy against inappropriate workplace aggression and workplace violence.

The policy should ensure that all threats are taken as seriously in the workplace as they would be in an airport, a school, a federal building, or other secure location. Threats may be direct ("I'm going to kill you") or indirect ("If I get fired, a lot of people will be sorry") or in jest ("Someone should really take that guy out"). The policy should clearly state that any mention of weapons, violence, threats, or retaliation even in jest, will be considered a credible threat and addressed swiftly.

The policy should also clearly state that appropriate disciplinary action will be taken when threats are made or an employee engages in an inappropriate

act of aggression or violence. Employees should be notified in the policy of alternative methods of reporting inappropriate acts or threats that could lead to workplace violence. Finally, the policy should specify that employees who report situations that might lead up to acts of violence will be protected from retaliation by the employer, their supervisors, or coworkers.

However, it is not enough for an employer to merely have a policy against workplace violence; employers must make sure that supervisors consistently and uniformly enforce the policy. This can be challenging, because an employee making an indirect or direct threat might claim that no aggressive act was actually intended or that the threat was merely in anger or a joke. Responsible supervisors need to routinely enforce their employer's zero-tolerance policy and address all threats as serious and administer appropriate discipline.

WHAT STEPS CAN EMPLOYERS TAKE TO PREVENT WORKPLACE VIOLENCE?

Workplace violence prevention should begin during the hiring process. Many states have recognized that employers have a duty to investigate job applicants to prevent the risk of violent acts directed at employees and others. Courts have held that an employer may be liable for negligence in hiring or retaining an employee who is incompetent or unfit who then harms a third person.

There are several steps that employers can take to protect themselves against liability for negligent hiring. To start with, employers should require all job applicants to fully complete job applications. Employment applications should state specifically that any false or misleading information will result in rejection of the applicant or termination of employment.

Employers should not merely accept résumés in lieu of a completed job application. Prospective employees should be questioned about gaps in employment because such gaps could be due to the individual serving time for violent crimes. The employer should also contact each prior employer to verify dates of employment and positions held.

Background checks should also be conducted on applicants. These screenings can check criminal records, verify past employment information, confirm the applicant's Social Security number, provide information about the applicant's driving record and credit standing, and check professional licenses and degrees. Employers may require applicants to submit to preemployment drug and alcohol testing. No job offer should ever occur until the entire screening process has been completed.

The employer should document its investigative and screening efforts and all information it receives from prior employers and references, even if the employer receives all favorable information. Employers should also consult

state law regarding conducting background screening, drug and alcohol testing, and other preemployment testing.

Many courts have recognized a theory of negligent supervision. Under this legal standard, employers have an obligation to take reasonable care in supervising their employees to prevent a workplace violence incident. Supervisors and managers need to understand the importance of addressing performance and disciplinary problems promptly and consistently. They also need to be trained to handle terminations, layoffs, and demotions sensitively. This includes the skills to be reasonable and evenhanded in managing employees since many workplace violence issues result from an employee feeling that he or she was treated unfairly.

Employees and supervisors should receive training on how to identify early warning signs and how to deal with individuals who exhibit signs of violent tendencies. Finally, because a company's supervisors are on the front line, they should receive additional training in how to defuse a potentially violent situation and how to respond when a critical incident occurs.

WHAT PLANS SHOULD EMPLOYERS HAVE IN PLACE NOW?

Employers should have a comprehensive plan for maintaining a safe work environment. Many employers have developed such a plan as part of their OSHA-related Injury and Illness Prevention Program. In order to develop an appropriate plan to address violence in the workplace, an employer should identify its particular risk factors.

Employers should examine the organization's physical workplace to identify weaknesses in security. Employers should question their employees about possible sources of violence by conducting an employee survey into areas such as whether there is a particularly troublesome employee, a poorly lit parking lot, or a management style that breeds feelings of negativity or unfairness.

A critical element to an employer's safe workplace plan is to provide assistance to troubled employees. Stress, substance abuse, and other mental problems are all contributing factors to incidents of employee violence. Providing employees with ways to deal with these problems may prevent them from deteriorating to the point that the employee explodes. Employers should consider offering free, confidential counseling to employees under an Employee Assistance Program (EAP). Other possibilities include offering a conflict resolution program for disputes, peer support groups, or referrals to other mental health services.

It is important for employers to remember that any action taken that singles out an employee because the individual is perceived to be, or is, suffering from a mental illness could violate the Americans with Disabilities Act, as well as corollary state disability laws. However, it is permissible for employers to treat individual employees differently if that

decision is based on factors other than perceived mental illness, such as ownership of weapons, discussion of acts of violence, criminal history, or a past history of verbal or physical aggression. Documentation of such incidents is vital to demonstrating that disciplinary or other action taken is job-related and not based on mental disability.

Irrespective of how effective a prevention plan may be, however, there are no guarantees against an incident of workplace violence. Accordingly, a comprehensive workplace safety plan must include crisis procedures in the event of an incident of workplace violence. The development of crisis procedures should reflect the unique conditions faced by the employer. In developing these procedures, an employer should consult, through its HR department, security consultants, trauma experts, local law enforcement, and legal counsel. Every plan should include what to do in the first 24 hours of the crisis, the next 72 hours, and the first week following the incident.

Employers should:

- ☐ Develop a chain of command to deal with an incident of workplace violence, starting with immediate supervisors and managers and then shifting to a crisis-management team;
- ☐ Establish emergency notification procedures, including notification of internal security; local medical, fire, and police; the EAP; and victims' families;
- ☐ Contact a trauma consultant, occupational physician, security consultant, and/or legal counsel;
- ☐ Implement procedures to determine and reestablish the safety of the workplace;
- ☐ Establish an internal investigation team who will work with local authorities to gather critical information regarding the perpetrator, victims, witnesses, and photographs/security videotapes;
- ☐ Set up a public relations team to deal with the media; and
- ☐ Provide counseling to employees and their immediate families.

By taking simple steps of training employees and supervisors in how to identify and report inappropriate workplace aggression, having a clear and consistently enforced zero-tolerance policy on workplace violence, and preparing a detailed crisis-management plan, employers can prevent acts of workplace violence from occurring, or respond swiftly and appropriately if such an act should occur.

NOTES

1. Bureau of Labor Statistics. (2006, October 27). Survey of Workplace Violence Prevention, 2005.
2. Armour, S. (2004). Stopping a killer—Death in the workplace. *USA Today* (July 16, 2004).
3. *Ibid.*

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