

Violence on the Job Reference Supplemental



CREATING RESPECTFUL WORKPLACES FOR BUSINESS

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Violence on the Job

A 2014 study found what it called “a disturbing and unacceptable level of violence in the American workplace,” with one out of every 20 employees reporting a physical assault, and one in three saying they were verbally abused on the job. More than 1.8 million work days and \$55 million in wages are lost every year due to workplace violence, according to the Bureau of Justice Statistics.

Among occupations, taxi drivers and chauffeurs are the most likely to be victims of workplace homicide, with police officers running a distant second. But, as well all know from too many news accounts, any workplace has the potential for violence.

About one-third of workplace assaults and homicides are spill-over domestic violence. A recent study found that 71% of the Human Resources and Security personnel surveyed had an incident of domestic violence occur on company property. Another survey noted that 94% of corporate Security directors ranked domestic violence as a high security problem at their companies.

Although no one can predict where and when violence will erupt at a job site, employers can be held liable for the resulting injuries. When an employee gets violent or abusive, it is a manager’s duty to remain calm and try to diffuse the situation, according to a federal appellate case where an employee mocked, used racial slurs, and then head-butted his boss. The boss slapped the employee away and cursed back at him. Was that OK? No, said the court, and the employer was well within its rights when it demoted the boss to a non-supervisory position. More importantly, violence can be reduced—and even prevented—through some common-sense precautions.

Preventing Violence

The experts agree that effective pre-employment background checks are crucial. Before hiring any applicant, check references and ask specifically if there is any history of violent or harassing behavior. Even if the reference refuses to answer the question, you have taken reasonable steps to screen out potentially violent employees.



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Once you've hired employees, you have an obligation to provide a safe workplace. You want to create a violence-free environment on the job. Here are some suggestions, based on a recent report from the International Association of Chiefs of Police:

- √ Take advantage of community resources
 - Use law enforcement and security experts to provide crime prevention information, perform building security inspections, and teach employees how to avoid becoming victims.
- √ Enforce security procedures
 - Make sure employees know and honor policies about badges, identification, and keys.
 - Limit outsider access to areas beyond the lobby/reception area.
 - Establish an internal emergency code word or phone number.
 - Get employee input on security weak spots (bad lighting in parking lot, etc.).
 - Encourage employees who are victims of domestic violence to give Security a picture of the batterer and a copy of any court order of protection.
- √ Establish ground rules for behavior
 - Inform employees about policies against inappropriate behavior, violent acts and possession of weapons and drugs on company premises.
 - Enforce policies by consistent discipline, *i.e.*, written warning or termination of every threat-maker when the complaint is substantiated.
 - Encourage employees to report threats, harassment, and other aggressive behavior.



- Respect privacy and confidentiality rights of all employees during any investigation.
- Make it easy for employees to raise suggestions about reducing risks and improving working conditions.
- Remind employees that Employee Assistance Programs are available to help with emotional, marital, financial, and substance abuse problems.
- Conduct exit interviews when employees retire, quit, or are terminated to identify violence-related security or management problems.

While using violence in self-defense might absolve an employee from criminal liability, in most states an employer is justified in firing or disciplining a worker who does so in violation of company policy. As a California appellate court noted in a 2003 decision upholding the termination of an employee who fought back against a co-worker: “[A]n employer which gave its employees the option to choose “fight” over “flight” when confronted with workplace violence, might itself be violating public policy.”

Levels of Violence and Responses

Level One (Early Warning Signs)

The person is:

- intimidating/bullying;
- discourteous/disrespectful;
- uncooperative; and/or
- verbally abusive.

Response:

Report and document the behavior. Use objective, verifiable facts, not conclusions.

Supervisor should meet with the offending employee to discuss



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concerns.

- Identify the performance and/or conduct problems that are of concern
- Ask the employee what should be done about the behavior.
- Ask how you can help.
- Identify the steps you would like to see to correct problems.
- Set limits on what is acceptable behavior and performance.
- Establish time frames to make changes.
- Establish consequences for failing to correct behavior and/or performance.

Level Two (Escalation)

The person:

- argues with customers, vendors, co-workers, and/or management;
- refuses to obey policies and procedures;
- sabotages equipment and steals property for revenge;
- verbalizes wishes to hurt co-workers and/or management;
- sends threatening note(s) to co-worker(s) and/or management;
and/or
- sees self as victimized by management (me against them).

Response:

If necessary, secure your own safety and the safety of others, including contacting people who are in danger. (Make sure emergency numbers for employees are kept up-to-date and accessible.)

Call Security.

Call 911 if the situation requires immediate medical and/or law enforcement personnel.

Report and document the behavior. Again, use objective, verifiable facts.

Supervisor should meet with the employee to discuss concerns and, if appropriate, begin or continue progressive discipline.

- Call for assistance in assessing/responding, if needed.
- Remain calm, speaking slowly, softly, and clearly.
- Ask the employee to sit down; see if s/he is able to follow directions.



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- Ask questions relevant to the employee's complaint such as:
 - ☐ What can you do to try to regain control of yourself?
 - ☐ What can I do to help you regain control?
 - ☐ What do you hope to gain by committing violence?
 - ☐ Why do you believe you need to be violent to achieve that?
- Try to direct the aggressive tendencies into another kind of behavior so that the employee sees s/he has choices about how to react.

Level Three (Emergency)

The person displays intense anger resulting in:

- suicidal threats;
- physical fights;
- destruction of property;
- display of extreme rage; and/or
- use of weapons to harm others.

Response:

Any individual observing violent or threatening behavior which poses an immediate danger to persons or property should:

- Call 911 and Security.
- Secure your personal safety first.
- Remain calm.
- Leave the area if your safety is at risk.
- Cooperate with law enforcement personnel.

Witnesses should be prepared to provide a description of the violent or threatening individual, details of what was observed, and the exact location of the incident.

- Document the observed behavior. Be as specific as possible, providing objective, verifiable facts.
- Supervisor, where needed, will contact functional area experts and will follow the procedures described in Level Two.

Warning Signs

Unfortunately, there is no exact way to predict when a person will become violent. Psychological and law enforcement studies tell us that one or more of the following warning signs may be displayed before a



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person becomes violent but does *not* necessarily indicate that an individual *will* become violent.

A display of a “cluster” of these signs may trigger concern as they're usually exhibited by people experiencing serious problems. You should talk to HR or Security about any employee whose behavior worries you.

Threatening and Disturbing Behavior

- direct and indirect threats
- mood swings, depression, bizarre statements, delusions of persecution

History of Violence

- domestic violence, verbal abuse, antisocial activities

Romantic Obsession

- beyond sexual attraction
- victim may be unaware of degree of attraction

Alcohol or Drug Abuse

Deep Depression

- self-destructive behavior
- loners
- unkempt physical appearance, despair, sluggish decision making

Pathological Blamer

- accepts no responsibility for his or her actions
- constantly blames co-workers, employer, government, the system

Impaired Ability to Function

- poor impulse control

Elevated Frustration with Environment

Obsession with Weapons

- ownership of gun or gun collection, combined with antisocial behavior
- fascination with shooting skills or weapon-related activity

Personality Disorder

- antisocial or borderline personality disorders



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- irritable, aggressive, often involved in disputes or fights with others
- may steal or destroy property with little remorse
- borderline personality shows moodiness, instability, impulsive action, easily agitated

Personal Conduct to Minimize Violence

If you are ever put in a threatened position, or a potentially violent situation, there are a number of things you can do to calm things down. Here are some suggestions:

Do

- ☐ Project calmness. Move and speak slowly, quietly and confidently.
- ☐ Be an empathetic listener. Encourage the person to talk and listen patiently. Let him/her know you are interested in what's being said. Acknowledge the person's feelings. Indicate that you can see he or she is upset.
- ☐ Maintain a relaxed yet attentive posture. Try to position yourself at a right angle rather than directly in front of the other person. Do not let a visitor block your access to an exit.
- ☐ Ask for small, specific favors such as asking the person to move to a quieter area.
- ☐ Establish ground rules if unreasonable behavior persists. Calmly describe the consequences of any violent behavior.
- ☐ Use delaying tactics which will give the person time to calm down. For example, offer a drink of water.
- ☐ Be reassuring and point out choices. Break big problems into smaller, more manageable problems.
- ☐ Accept criticism in a positive way. When a complaint might be true, use statements like "You're probably



right" or "It was my fault." If the criticism seems unwarranted, ask clarifying questions.

- Respect personal space.

Do Not

- Use apathy, the brush off, coldness, condescension, "I'm going strictly by the rules" or give the run-around.
- Reject all demands from the start.
- Pose in challenging stances such as standing directly opposite someone, hands on hips or crossing your arms. Avoid any physical contact, finger-pointing or long periods of fixed eye contact.
- Make sudden movements which can be seen as threatening. Pay attention to the tone, volume and rate of your speech.
- Challenge, threaten, or dare the individual. Never belittle the person or make him/her feel foolish.
- Be a hero – call Security.

When Facing an Active Shooter

Protection

- have clear, consistent lockdown procedures.
- turn off all sounds on personal devices as a protection measure.
- advise employees to not call or text except 911 - then, only if/when safe to do so.

Run. Hide. Fight.

- Run: If it is safe to do so for staff, run out of the building and far away until you are in a safe location.
- Hide: If running is not a safe option, hide in as safe a place as possible
- Fight: As a last resort, if you are in immediate danger consider using force and items in the environment: fire extinguishers and chairs.

Limiting Terrorism Risks at Work



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Sadly, employers cannot afford to ignore the possibility of a terrorist attack. While there are currently no specific standards on preventing terrorism, Section 5(a)(1) of the OSHA statute, called the General Duty Clause, requires employers to "furnish 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". In addition, as a matter of common law, employers must use reasonable care to prevent foreseeable injuries on their premises. It's important, then, that you take reasonable steps to protect your workplace from all types of intentional misconduct, including, but not limited to, terrorist attacks.

For instance, many employers require visitors to check in by signing a log, presenting ID, and giving the name of the person they are meeting or visiting. Such organizations usually have a policy requiring all visitors to be escorted. Employers can also post notices reserving the right to inspect all items carried in or out of your facilities by visitors, or requiring all visitors to go through airport-style metal detectors.

Other popular security measures you may want to consider:

- Prohibiting all photography of or on company premises without prior written authorization;
- Ensuring that your employees handle all incoming mail and packages at a centralized, secure location;
- Storing electronic and paper files in a secure, off-site location to ensure business continuity in the event of data failure or damage to the business premises;
- Training managers and employees on security, making sure that workers know how and to whom to report a suspicious person or package on the premises; and
- Creating an evacuation plan.

After the 2001 anthrax attacks, in which nearly two dozen people were infected and five died when anthrax spores were sent through the mail, OSHA made specific recommendations to prevent or limit contamination, including:

- Do NOT open suspicious mail.



- Open all non-suspicious mail with a letter opener or another method that minimizes skin contact with the mail and is least likely to disturb contents.
- Open mail with a minimum amount of movement.
- Do not blow into envelopes.
- Keep hands away from nose and mouth while opening mail.
- Turn off fans, portable heaters, and other equipment that may create air currents.
- Wash hands after handling mail.

For more information, go to:

<https://www.osha.gov/SLTC/workplaceviolence/>



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