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9 Steps to Minimize Violence in Your Workplace

Don't Deny It; Fight It

From the Experts

Brad S. Hiles

I am a management safety and health lawyer. Last year, I assisted a client on a workplace violence issue. The client's plant manager had been called at home early one Saturday morning with the news of a fight in the employee parking lot at shift change. "When I walked through the parking lot and saw his glasses on the pavement," the manager told me, there was one thing he was grateful for: "Thank God there's no body bag," he said.

The instigator of this confrontation was a man in his late 50s, and he was badly beaten by a co-worker in his late 20s who happened to be an accomplished mixed martial arts fighter.

For the first 30 years of my practice, I provided counsel to employers in hundreds of cases involving serious injuries. Twenty-four of those cases involved fatalities. None involved workplace violence. In the last five years, however, clients have increasingly sought my assistance with employee-on-employee violence issues.

The U.S. Department of Labor's Occupational Safety and Health Administration asserts that there are nearly 2 million victims of workplace violence each year. According to the Bureau of Labor Statistics, 331 men and 66 women were the victims of workplace homicides in 2013. Rates differ significantly by gender, with homicide accounting for 22 percent of female workplace fatalities compared to 8 percent of male fatalities. As unsettling as that news is on its own, a 2012 survey conducted by the Society for Human Resource Management indicated that workplace violence also is putting companies' viability at risk by affecting workplace productivity and adversely affecting company financials, with the three most common costs companies



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experienced due to workplace violence being: 1) management time/expense; 2) productivity loss; and 3) staff replacement/turnover costs.

Stories of workplace violence continue to invade news headlines. A former UPS employee opens fire at a facility in Alabama; a fired food-processing plant employee attacks former coworkers in Oklahoma; a Chicago man sets fire to his workplace, an air traffic control center. Employers are beginning to realize that the violence isn't occurring solely on movie screens anymore, but also in unlikely places of business across the United States. As a result, employers are asking the obvious next question: "What can I do to protect my company and my employees?"

Like workplace accidents involving machinery,

injuries from workplace violence can be avoided (or at least severely limited) if some proactive measures are taken. The nine steps I've listed below are critical components of a successful workplace violence prevention program.

1. Create and Implement a Workplace Violence Policy

An effective policy must be in writing, distributed to all employees and clearly articulate zero tolerance. Policies should be customized to each company and, in some instances, between facilities of the same company. This list of behaviors, while not exhaustive, provides examples of conduct that should be prohibited:

- Physically injuring another person.
- Threatening someone.

- Behaving in an aggressive or hostile way that creates a reasonable fear of injury or subjects a person to emotional distress.

- Intentionally damaging employer property or the property of another.

- Possessing a weapon, concealed or otherwise, while on company property or while on company business.

- Committing acts motivated by, or related to, sexual harassment or domestic violence.

2. Ban Guns and Other Weapons

Publishing a policy that prohibits guns in the workplace is critically important, but in most states, more will be needed. Signage will be necessary at building entrances. Some states even dictate the size of the signs and the letters on the signs. With the proper permits, some states allow residents to keep firearms in their vehicles, even while at work. Establishing an effective ban on guns, therefore, will require state-by-state research for companies with facilities in multiple states.

3. Anticipate Potential Violence at Your Company

The nature of your business will dictate risk factors as much as the composition of the workforce. Here are examples of areas to consider:

- Does your facility have a history of tolerating horseplay, employee arguments or bullying (which may escalate to violence)?

- Has violence previously occurred at your facility (and if so, what can you do now to prevent it)?

- Do some employees display erratic behavior?

- Do your employees occasionally have to deal with angry customers?

- What is your process for escorting discharged employees out of the building?

- Do ex-employees sometimes return to settle a score or just vent?

- Do ex-spouses or ex-boyfriends/girlfriends sometimes stalk employees at or near your property?

- Is your company in a dangerous neighborhood?

4. Add Legs to Your Policies

The best policies in the world will be ineffective without a violence response team and a reporting system. Effective teams have members from the main departments or working areas of the facility. This is a team with connections to every supervisor (the importance of which is discussed below). They must be recruited with a view toward rapidly responding to potentially violent situations.

Two reporting mechanisms should be considered—one for anonymous reporting

of actual and potential violence, the other for rapid reporting within the response team to one individual “in charge,” who has the power to investigate situations and remove employees from the facility. Anonymous complaints should be reviewed daily and action should be taken immediately.

5. Roll Out the Policy Like You Mean It

Since it is important that employees understand their company’s firm stance against workplace violence, a powerful person in the company should announce the Workplace Violence Policy (and the anonymous complaint process). The CEO is better than the president, who is better than the EVP, who is better than the plant manager, who is better than the HR director when it comes to rolling out this policy.

6. Assess Outside Resources

If your business is located in a crime-riddled neighborhood, consider hiring security guards or an outside security force. At the very least, develop a relationship with local law enforcement (although it is nearly impossible for police to arrive between the time of the call and the end of the violence). Other precautions may include:

- Security cameras (inside and outside)
- Alarm systems
- Metal detectors at entrances
- Access badges to all or most inner doorways and stairwells

A lock-down plan

7. Train All Supervisors

The two employees I mentioned at the beginning of this article had been bickering at work for weeks. Two supervisors were aware of the situation, but they both failed to address it. Employers must ensure supervisors’ buy-in on the company’s program, and supervisors must receive formal training that informs them of their responsibilities. They are the eyes and ears of every facility and provide the first line of detection when arguments begin or hard feelings develop between co-workers. Training should include the following:

- Sharing statistics on workplace violence.
- Explaining potential liability following violence.

- Introducing the response team (and its leader).

- Discussing the early warning signs of potentially violent situations.

- Requiring immediate reporting of potential threatening situations.

- Describing the action plan for responding to threats.

8. Make Wise Hiring Decisions

Ask new hires to sign an authorization allowing a criminal background check to be

conducted. This is not as simple as it may sound. The U.S. Equal Employment Opportunity Commission (EEOC) issued guidance in 2012 warning of possible enforcement action against employers’ use of criminal background checks, under certain circumstances. The EEOC contends that the use of conviction records to deny employment may be illegal if it is not relevant to the applicable job duties and has a disparate impact upon protected classes. But the agency has not been very successful in its enforcement actions under the 2012 guidance.

Additionally, 12 states and 70 municipalities restrict inquiries into an applicant’s criminal convictions, making it even more difficult for employers to make informed hiring decisions. The concept known as “ban the box,” which involves restrictions on application questions directed at criminal records, is gaining momentum across the country. In most instances, employers may run criminal background checks on applicants or otherwise inquire into their criminal history, but only in latter stages of the application process. In many instances, those questions may only be asked after a job offer has been extended and accepted. There are usually exemptions to “ban the box” restrictions, but they are limited (e.g., child care facilities and industries where binding or licensing is required).

9. Establish a Plan to Manage Threats

- Who will analyze the threat?
- When possible, conduct an immediate investigation.

- Be decisive, conservative and immediate on suspensions and leaves of absence.

- Determine how to manage actual violence in advance.

- Have an immediate response system in place to contact security or law enforcement, when needed.

While implementing the above steps will take time and cost money, employers are far better off working to prevent harmful situations on the front end than they would be handling dangerous incidents on the back end.

Brad S. Hiles is a partner with Husch Blackwell. He devotes a substantial part of his practice to assisting clients with labor law, employment discrimination defense, and Occupational Safety and Health Administration counseling and defense. He can be reached at brad.hiles@huschblackwell.com.