

WORKPLACE VIOLENCE: 10 TIPS FOR A PROACTIVE PREVENTION PROGRAM

This article was written by Sarah J. Smith, the former Director of Human Resources for the City of LaPorte, IN and was originally published in the November 2002 issue of **Professional Safety**, a publication of the American Society of Safety Engineers, the country's oldest and largest professional safety organization. The article has been updated and adapted for municipalities in New York.

If a disgruntled former employee made threats at your facility, what would your employees do? Are they ready to take action if a gunman enters and starts shooting? Workplace violence is an internal threat—one that many employers have failed to address. How can an organization plan for such an attack? By working with local law enforcement and implementing a mock active shooter drill, a company and its employees will learn how to recognize and report potential threats, observe facts, react to perpetrators and secure evidence. If a SWAT team is summoned, what will they need upon arrival? It is easy to ignore the threat of workplace violence at our own facilities. But, by waiting until a violent event occurs rather than proactively preparing for it - both in terms of enhanced physical security measures and improved training of employees to make sure they understand the risks - the results may well be the "worst - case scenario." This article offers 10 tips for developing a proactive approach to preventing workplace violence.

Workplace violence prevention, preparation, and response require a team approach. This team must include management, local law enforcement, and municipal employees. Management commitment includes not only dedicating financial resources to provide physical protective measures but also the development and implementation of a zero-tolerance workplace violence policy and program. Municipal leaders must buy in to the importance of workplace violence prevention and employee training. Local law enforcement will partner with you to develop and deliver training; however, someone must ask them to share their expertise. Although not every incident will be prevented, many can be. And the severity of injuries sustained by employees can certainly be reduced.

Workplace violence has emerged as an important safety and health issue. Its most extreme form - homicide - is the third-leading cause of fatal occupational injury in the U.S. According to the U.S. Department of Labor, Bureau of Labor Statistics' Census of Fatal Occupational Injuries, 632 workplace homicides occurred in 2003. They accounted for 11.3 percent of the total 5,575 fatal work injuries in the U.S. A U.S. Dept. of Labor study showed that in 17% of workplace homicides, the alleged assailant was a current or former husband or boyfriend of an employee. When domestic violence spills over into the workplace, the result can be fatal. A study of 50 battered women in New York revealed that 75% had been harassed by their batterers while at work. It is often easy to find the victim at work because this routine is consistent.

Employers have both a legal duty and a moral obligation to provide a safe workplace. To prevent loss of life and injuries, and to limit financial losses and liability, employers should institute policies and procedures to prevent violence from occurring in their workplaces. These policies may include the means to identify potential for violence; procedures to prevent the occurrence of violence; and, in the event that prevention fails, plans to respond to the incident and minimize further damage.

Environmental conditions associated with workplace assaults can be identified as well. Firms can implement various control strategies. Although OSHA is not initiating specific workplace violence rulemaking at this time, it has identified three specific categories of exposure: nonfatal assaults, homicide and risk factors.

On average, nearly 2 million violent assaults per year were committed in the U.S. against persons who were at work. Approximately 18 percent of violent crimes were committed while the victim was at work. The rate of violent crime experienced by people at work or on duty is approximately 13 per 1,000

workers. The leading motive for workplace homicide is robbery. Occupations with the highest risk of fatal injury include police, security guards, and managers or employees in settings where cash is readily available. Several factors may increase a worker's risk for workplace assault:

- having contact with the public;
- exchanging money;
- delivering passengers, goods, or services;
- having a mobile workplace such as a police cruiser;
- working with unstable or volatile persons in healthcare, social services, or criminal justice;
- working alone or in small numbers;
- working late at night or early in the morning;
- working in high-crime areas;
- guarding valuable property or possessions; and
- working in community-based settings.

OSHA offers recommendations to reduce worker exposure to workplace violence hazards. The extent of an employer's obligation to address workplace violence is governed under OSHA's General Duty Clause. This clause provides 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" 29 U.S.C. 654(a)(1). The following may be useful to prevent workplace violence:

Assess Physical Protective Measures. When employment ends, are keys, name badges and access passes collected and checked in? Are doors designed to protect workers from external threats in place? When an employee discloses concerns for safety at work from a potential perpetrator, it is the employer's duty to provide protective measures. These may include the following actions:

- require all visitors and vendors to register before entering the worksite. If the site has no central office or security station, the reception desk can coordinate this function. Make sure the employee who registers visitors has ready access to a security "panic" button. In case of emergency, a phone call may not be possible.
- determine how emergency information will be communicated to employees (e.g., intercom system). Identify a meeting location according to the nature of the emergency. Determine alternative means of egress and take steps to ensure that employees are not directed into a violent situation.
- install alarm systems. Consider video surveillance equipment or closed-circuit TV.
- consider additional physical barriers such as bullet-resistant glass, deep service counters or pass-through windows.
- consider in-car video surveillance cameras and global positioning systems for employees with mobile offices.
- ensure clear visibility of service and cash register areas by installing convex mirrors.
- use bright, effective lighting.
- employ adequate numbers of workers (adequate staffing).
- recommend a restraining order if appropriate.

- offer security escorts to employees between parking and work areas.
- redirect unusual calls to security.
- encourage a change in routine. Perpetrators are successful partially because they know when and where to find the victim. Advise the employee to vary routes taken to and from work. Offer to adjust the employee's work schedule or relocate the workstation.
- evaluate door handle mechanisms for security. Consider combination door pads, crash bars that can only be opened from the inside, locks that unlock when the knob is turned on the inside to escape but which are secured on the outside, or locking mechanisms that have a knob on the inside, but not on the outside. When considering these mechanisms, be aware of an OSHA rule found at 29 CFR §1910.36(b)(4):

In every building or structure, exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

OSHA does not, however, require that employees be placed at risk. If throw-lock security devices are installed to secure a door after a perpetrator leaves, (preventing re-entry and potential hostage situations), procedures *must* be in place to ensure that these locks are not used while the building is occupied. These procedures should be in writing, and employees must be designated to ensure that the doors remain unlocked during normal business conditions.

If asked to justify expenditures for new equipment, it is best to create a paper trail via e-mail or memo to upper management. Specify safety recommendations, costs of additional security measures and recommended implementation dates. To help identify physical protective measures that will make the workplace more secure, consult local law enforcement or a credible threat-assessment source. Obtain recommendations from the police or consultants who are trained in SWAT tactics, are current on the latest developments and have practical experience.

Review Municipal Policies: Violence, Weapons, Harassment, Discipline/Termination.

OSHA's response to workplace violence has been targeted, leading to industry specific publications of which only one relates to local government: Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers (1996). But the publications contain 4 basic elements:

- 1) management commitment and employee involvement. For smaller employers, this may simply include clear goals for worker security. Larger worksites will have more extensive written programs.
- 2) worksite analysis. Identify high-risk situations through employee surveys, workplace walk-throughs and review of injury/illness data. Further information and suggestions can be found at the U.S. Department of Labor's website. Use www.osha.gov/ and search for "workplace violence".
- 3) hazard prevention and control. Implement engineering, administrative and work practice controls to prevent or limit violent incidents.
- 4) training and education. Ensure that employees know about potential security hazards, ways to

protect themselves and coworkers, and how to report potentially violent behavior. Create supportive environments in which victims of domestic violence can seek help without fear.

A workplace violence policy should address weapons in the workplace and zero tolerance. This policy should work in conjunction with a company's harassment awareness program and coordinate with drug/alcohol testing policies and disciplinary procedures. The policy should include:

- a statement of purpose;
- a statement of commitment;
- a list of behaviors that will not be tolerated;
- consequences for engaging in a listed behavior;
- employee responsibilities;
- a statement of policy regarding weapons;
- a statement of the importance of reporting threats;
- reporting procedures;
- employer responsibilities;
- emergency code word(s); and
- central meeting place(s) in case of emergency.

Written workplace violence policies cannot help unless they are implemented consistently, fairly, and promptly. Communicate expectations to all employees and have them sign an acknowledgment that they have received and understood the training. Act immediately when threatening behavior is reported or observed. Form an internal threat-assessment team. Its role is to ask, "What did you mean by that (comment or behavior)?" Discipline fairly: in private, in person, and confidentially. Obtain training on how to administer discipline. Supervisors have a tendency to be too lenient early in the disciplinary action process, and later, too strict.

Obtain or Provide Training on Avoiding Negligent Hiring and Retention. How does one recognize a potentially violent employee? The signs may be clear-cut: someone kicks in a door, pulls a knife on a coworker, or makes verbal threats. Often, however, the signs are more subtle. A potentially violent employee may be intelligent and articulate; s/he may be an intimidator or may exhibit paranoid behavior or become quiet (a loner, antisocial). Often, the aggressor is a disgruntled employee who feels s/he is not being heard by the company, an angry client, a sexual harasser or an irate spouse of an employee. To avoid *negligent hiring* liability, new hire screening techniques should be assessed.

- do classified advertisements seeking job applicants as commercial drivers state that the successful applicant must pass a drug test or criminal background check? If such screening is used, it is best to tell applicants upfront. Those who know they cannot pass employment tests will likely not apply. (**Editor's note:** Consent must be obtained for a background check.)
- what does the application form state regarding reference checks? Driving records? Criminal background checks? A thorough applicant's release on the employment application form allows a municipality to conduct appropriate job-related checks and also protect it from liability.
- how is the reference questionnaire structured? Although the return rate is low, sending a brief and consistent reference-check questionnaire to previous employers of prospective employees can show that good faith efforts were made, should a negligent hiring claim ensue.
- does the municipality confirm basic information on applications such as past employment history, dates of employment, and education?
- will those who conduct employment interviews ask applicants about gaps in employment?

Costs associated with background checks are nominal and easily justified compared to costs associated with negligent hiring lawsuits. Background checks should be established by job classification and must be performed uniformly. Do not "pick and choose" whom to check. The nature of the work will indicate the types of checks that are appropriate. A previous felony conviction should not automatically eliminate a candidate. The nature of the offense should be considered and compared to the job duties and environment. This will help the company determine whether placing a candidate in a particular job is appropriate or whether it poses a substantial risk. Most supervisors would likely agree: it is much easier to reject a candidate who poses legitimate threats than to fire that employee later.

What if a poor hiring decision is made? Terminate the relationship sooner rather than later. The longer this employee remains on the payroll without feedback about unsatisfactory performance, the more secure s/he will feel. If an employee has shown violent tendencies, yet remains on the payroll, the employer can be liable for *negligent retention* should another violent act occur. To avoid this liability:

- document performance issues thoroughly and communicate unsatisfactory behavior and consequences step-by-step, in a timely manner;
- do not ignore a problem employee;
- remind supervisors to recognize early warning signs and respond accordingly; and
- do not tell an employee the problem is his/her attitude. Be precise, not vague. Specifically inform the employee how and why his/her performance is not meeting expectations. Does s/he not get along with coworkers? Treat others poorly? Speak negatively about the municipality?

Ask Local Law Enforcement How a Nonemergency Call Should Be Placed. When calling to report an employee's threats, should you call 911 or would local law enforcement prefer that a different number be used? It's also useful to know whether all phone lines at the local police office are recorded. Recording is an additional expense. Some communities make this service available to local law enforcement through the area's 911 center. Thus, if the local department lines are not recorded, it may be best to call 911 in situations that have the potential for violence.

Communicate the Emergency Action Plan to All Personnel and Responding Agencies. Simply authoring a plan is not enough. Employees must know and understand the plan. When developing emergency escape procedures, several questions must be considered:

- who will call 911? Employees will hesitate to call because they believe someone else has already called in an emergency situation.
- when an employee calls 911, does s/he clearly understand the need to remain on the line until law enforcement is on the scene? One call to 911 can summon police protection, firefighters, and ambulance services. Needs may change as an event unfolds.
- how will employees be warned that an act of workplace violence is in progress? Code words, intercom capabilities and instant messaging can help ensure that employees remain out of harm's way.
- do those who administer discipline and termination procedures have a planned escape route? Although these conversations should always take place with a witness present on behalf of the municipality and a representative of the employee, if desired, the physical location should have at least two exits. Have a trained witness present and alert security of the meeting time and place.

Handle terminations with dignity, care, professionalism, fairness, and control. When a termination occurs, notify supervisors and affected employees on a need-to know basis.

- where should employees go for cover?
- how should employees react when faced with aggressive behavior? Instruct them to remain calm, avoid unnecessary movements, speak quietly, and use an even tone. Slowing down the pace of the situation allows more time for help to arrive. Employees must also be instructed to do what the aggressor wants (within reason), but not to appear scared or intimidated.

Practice: Schedule a Mock Active Shooter Drill. Some police departments collaborate with area banks to conduct "mock robberies." Mock active shooter drills help police personnel practice their response and allows them to become better acquainted with the logistics of a given workplace. Mock active shooter drills designed with the help of local law enforcement will educate all employees on these issues and are a proactive way to alleviate or minimize a potentially devastating scenario. When planning the mock active shooter drill, consider these key elements:

- what should employees look for in parking areas when coming to or leaving the worksite? Is a person or vehicle following them? Does a situation in the parking lot look suspicious?
- if something at the worksite makes a worker feel uncomfortable, s/he should not enter, but rather should drive to the nearest phone and call the police.
- many workplace shooters have specific targets in mind. If it is clear that the perpetrator has a plan, it is best not to ask questions or attempt to delay that plan. Such actions can elevate the danger, prolong the perpetrator's presence in the building, and potentially place others in jeopardy.
- how can employees observe details, such as clothing, hair color, weapons, and distances, to help the police in the event the perpetrator leaves the premises? Instruct people to use all senses. Use a suspect identification profile form if applicable. If employees record what they see on this form, it is important they do this without comparing notes with their coworkers. Each person's perceptions are most accurate when individually recorded.
- if a perpetrator leaves the scene, make sure employees understand they must secure exits so that an assailant cannot re-enter the facility and create a hostage situation. An employee in each area should be responsible for securing exit doors.
- make sure people are designated to check for injuries to employees or customers.
- take a head count to make sure no one has been abducted or taken hostage.
- offer employees tips on how to secure a crime scene and evidence until authorities arrive. Placing an inverted trash can over shell casings, blocking off crime scene areas with chairs or tables tipped on-end, and looking to see if the assailant inadvertently dropped any belongings while exiting the facility could provide police with critical evidence.

Appoint a Public Information Representative. Many police departments name a public information officer for the department. Not every police officer has all the facts of a case; municipal employees are no different. Due to concerns such as confidentiality, certain facts should/should not be conveyed at various times during a critical event. Public information representatives or crisis communications teams should

be trained to talk to the media and must understand what information to convey. When designing a media communications approach, consider these guidelines:

- if violence occurred in your workplace today, who would talk with the media on behalf of the municipality? Absent a designated person or team to provide crisis communications, employees with partial information may volunteer it on their own.
- if work sites are geographically dispersed, a more elaborate crisis communications approach is needed.
- the emergency action plan should identify the public information representative/crisis communications team members to employees.

The Freedom of Information Law encourages openness with the media, consistent with the needs of law enforcement and the Sixth Amendment's guarantee of a fair trial. If the public asks for information (or the media ask on behalf of the public):

- tell the truth and provide the best, most-complete information.
- release bad news as completely as possible, clearly and quickly.
- determine what information should not be released. This should include critical matters of evidence, names of juveniles or victims of sex crimes, comments on the character of an assailant, hearsay or speculation of any kind, and any information that would threaten anyone's safety or jeopardize the possibility of a successful investigation and prosecution.
- in a serious or catastrophic event, consider making a daily summary of events available to the media. It may also be best to prepare a well-developed, accurate press release.
- keep communications simple - stick to the who, what, when, where, why and how. This may include:
 - a) what happened;
 - b) when it happened;
 - c) where it happened;
 - d) names of victims;
 - e) numbers, extent and nature of injuries, if any;
 - f) details of items stolen, if any; and
 - g) details concerning any suspect(s), including photos or sketches.
- consider scheduling a news conference for larger stories. News conferences help the media and eliminate redundancy (answering the same questions repeatedly). Give plenty of notice, prepare a news release and distribute it before the conference. Set a time limit; in general, 20 minutes is sufficient.

Train Employees in CPR/AED and First Aid. Employees must receive training to develop the skills needed to respond when the worst occurs. For example, suppose a person on the scene of a violent event

suffers cardiac arrest. Although most attacks result from underlying heart disease, stress and trauma can also trigger a heart attack. An automated external defibrillator (AED) is a paddle device that can be used by trained lay rescuers to analyze heart rhythms and administer needed electric shocks. Decreased cost per AED unit and CPR/AED training through the American Heart Assn. or American Red Cross (also available in Spanish) has helped organizations bring defibrillators into the workplace. Here are a few facts to consider:

- when a person suffers a sudden cardiac arrest, chance for survival decreases by 7 to 10 percent for each minute that passes without defibrillation. After 10 minutes, few resuscitation attempts succeed. To document success rates of early defibrillation, the Clark County, NV, Fire Department and Dr. Terence Valenzuela of the University of Arizona collaborated on a study of casinos in Las Vegas. While gaming is not intrinsically high-risk, many high-risk individuals spend many hours at casinos. Casino security officers were trained in CPR and AED use. They could deploy AEDs in 3 minutes or less. As a result, 70 percent of the study's cardiac arrest victims survived to hospital discharge.
- early intervention at the worksite is key. AED units are available on State contract and cost approximately \$2,000 or less. Use www.ogs.state.ny.us and search for "contracts" and then "manual defibrillators".
- a municipality that installs an AED unit must work with a physician and local EMS. Trained first responders in CPR and AED techniques, physician oversight, and notification of local EMS are essential program components.
- ask the local EMS provider to provide information on various brands. Some brands work with existing EMS units to download clinical information, which gives EMS ready access to valuable patient history data.

Offer an EAP and Make Use of Its Services. It is difficult to know whether various measures implemented have truly prevented a violent work-place incident. However, early intervention through an employee assistance program (EAP) is another key prevention strategy. For best results, consider coupling the formal support network - the EAP - with an informal, in-house employee support system. Providing an EAP is not a costly benefit. The overwhelming use of EAP services is initiated by employees. Employees and their families face issues each day. People do not usually "snap." A violent outburst is better characterized as a slow-burning downward spiral. Some problems persist for years, such as:

- a) failing personal relationships;
- b) economic hardships characterized by unresolved debts and garnishments;
- c) feelings of personal failure due to lack of progression in status;
- d) actual or perceived injustice at work; and
- e) unwillingness of the employee (typically male) to ask for help.

Generally speaking, it is not part of the "male culture" to ask for assistance. Rather, men see themselves as problem-solvers and find it difficult to ask for help. Men outnumber women 99 to 1 as perpetrators of fatal work-place violence incidents.

Strategically Locate Blueprints of the Workplace. A SWAT team that responds to the scene will request a blueprint so its members can study the floor plan. Therefore, it is best to place multiple copies

of blueprints in strategic locations so they are readily accessible. It is also valuable to find out whether local law enforcement has a specific plan for responding to incidents of workplace violence. Consider these guidelines when discussing response tactics with local law enforcement:

- some local police departments have developed an emergency response team (ERT). These specially equipped officers carry nonlethal weapons and wear additional personal protective equipment (PPE). Nonlethal weapons include 12-gauge shotguns that shoot beanbags. Officers receive special training in using such weapons because the ammunition must be administered according to a person's body weight. PPE includes protective helmets, bullet-proof vests, and eye protection. Some ERT officers also carry long automatic weapons and shields with halogen lighting.
- investigate the availability of an "Active Shooter Class" for law enforcement personnel. Practice includes three-man, four-man, and five-man diamond formations that are designed to contain shooters.
- in addition, some local departments have developed their own response plans. As effective as ERTs (or SWAT teams) are, it can take up to one hour for such teams to suit up and enter a building. Under these specific plans, the first two officers on the scene are to activate the ERT and enter the building. Once inside, they potentially have two jobs: 1) contain the perpetrator until an ERT arrives; and 2) if lives are in danger, eliminate the perpetrator.

In most cases, workplace violence is a planned act. People are targeted because 1) the perpetrator knows or perceives that they had something to do with his current situation; or 2) employees were assigned to positions within the organization that the perpetrator feels are responsible for perceived injustices to him. OSHA's General Duty Clause recognizes the potential threat to employee safety posed by workplace violence. It allows for significant fines for failure to comply. But fines are insignificant when compared to the millions of dollars that are paid out as a result of wrongful-death or negligence lawsuits. No amount of money can compensate for lives lost nor the toll in terms of human suffering that is brought about by a single violent incident.