WORKPLACE VIOLENCE

Minimizing the risks to your employees

BY LIN GRENSING-POPHAL

Regular reports of fights and shooting incidents in the workplace drive home the point that violence can occur anywhere, anytime. They can—and even have—occurred in U.S. mattress manufacturing plants.

Still, it's not uncommon for employers and employees to believe "it couldn't happen here," say experts on workplace violence. It's simply not something that most managers and workers want to think about.

In 2010, 808 people died as the result of "assaults and acts of violence" in the workplace, according to the U.S. Bureau of Labor Statistics' Census of Fatal Occupational Injuries. That number includes not only "violence by persons" but also "self-inflicted injury" and "attacks by animals." Of this number, 506 were defined as workplace homicides, making it the third leading cause of fatal workplace injuries, following highway accidents and falls.

Workplace homicides reached a peak in 1994, when 1,080 people were killed at work, according to the BLS. Workplace homicides have fallen 53% since then, but after several years of declines, workplace homicides spiked again in 2007 when 628 people were killed.

Those statistics don't tell the whole story, says Timothy Dimoff, president and founder of SACS Consulting & Investigative Services Inc. in Akron, Ohio. Homicide—and even the BLS's "assaults and violent acts"—are at the extreme end of the workplace violence spectrum, which includes a wide range of behaviors and actions, the vast majority of which don't result in death.

What exactly do we mean by "workplace violence"? Is it limited to physical harm and injury? Does it include bullying? Harassment? Verbal aggression? Opinions vary and, in determining how to deal with these issues at your company, one of the things you'll need to do is to define unacceptable behavior in your workplace. The experts *BedTimes* spoke with for this story provide general guidance. For specific information as it relates to your company, consult legal counsel.

Though workplace homicides may be on the decline, Dimoff says that, based on his experience as a consultant, "We definitely believe that aggressive action—verbal and physical—is on the upswing."

He points to the lagging economy, stress, long hours and increasing workloads as contributing factors.

"We've created a pressure-cooker atmosphere in the workplace," he says.

What steps can companies take to protect themselves, their employees and their customers from acts of violence?

Prevention and mitigation need to start early—during the hiring process. Every employer needs to develop clear policies and procedures and then educate and train managers and workers on their implementation. Above all, employers need to be alert to warning signs and deal with potentially violent situations immediately and appropriately.

New employees

To begin with, employers need to take more time to screen employees during the hiring process, says Beth Schroeder, a partner who leads the employment law division at Silver & Freedman in Los Angeles.

"I think people tend to just go out there and hire 'warm bodies' and they don't take time to trust their gut instincts," Schroeder says. Drug testing and background checks can be an important part of the hiring process, helping to weed out candidates with a history of substance abuse or violence.

During both the hiring and orientation processes, new employees should be sent strong, unambiguous messages about your company's stance on appropriate behavior in the workplace and employee safety.

A corporate culture that promotes respect for all employees—from the executive suite on down to the factory floor—is important, says Mike Jackson, president and principal consultant at Security Research Group in Morena Valley, Calif. It should be clear to employees what will and won't be tolerated at your headquarters and manufacturing facilities. Managers play a critical role in setting expectations and modeling appropriate behaviors through their own actions.

A 'no-tolerance' policy

You should have formal, written policies that document behavioral expectations. Unfortunately, many companies don't have policies in place; others have ineffective policies that are poorly communicated.

Carol Fredrickson, a workplace violence expert with Violence Free in Phoenix, spent 15 years in law enforcement, specializing in emergency services and disaster preparedness.

She says small and medium-size companies are the least likely to have formal behavioral policies. At best, they may have a few lines that address workplace violence embedded in their harassment or ethics policies.

Other companies have policies, but they are overly complicated and, consequently, not likely to be widely read or understood by employees.

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Workplace homicides

2010	506
2009	542
2008	526
2007	628
2006	540
2005	567
2004	559
2003	632
2002	609
2001	643

Source: U.S. Bureau of Labor Statistics

Still others have understandable policies but don't include a clear process for reporting potential threats and problems, Fredrickson says.

Effective policies establish the expectations a company has for interactions between employees at all levels, as well as between employees, customers and vendors.

Policies should provide examples of the types of behaviors that will not be tolerated, explain the actions that will be taken if such behaviors occur and outline all processes that will be followed, including what employees should do to report threats and concerns.

"I think it's appropriate to have zero tolerance for physical violence and most companies do," Schroeder says.

But even defining violence can be challenging.

"There are so many different examples of what workplace violence can be," Fredrickson says. "It could be kidnapping, suicide, sexual assault, domestic violence, property damage, even rumors. We've had disgruntled employees who have gone back and started the business on fire or have started setting small fires."

When crafting a policy you also need to consider other kinds of behavior. For instance, what would you do if one employee sent a threatening email to another? What if an employee claimed to be the victim of bullying?

Once established, employers must be willing to stand behind their policy, regardless of who might engage in one of the unacceptable behaviors. In other words, the policy must be applied to all employees, regardless of title or position. For instance, you may have manager whose strong management style could be interpreted as crossing a line into bullying.

"I'm a big believer, even in terms of management styles, in not allowing intimidation," Schroeder says.

Establishing expectations and creating policies are important steps, but to ensure that these policies are fully understood, companies must engage in ongoing education and training.

"The weakest link is the untrained or unaware employee," Fredrickson says. Companies may be reluctant to invest time and money in training workers regarding workplace violence, in part because of the belief that "it couldn't happen here."

Don't make that mistake.

Warning signs

While you might think of a seemingly random shooting spree when you hear the phrase "workplace violence," in reality, "most of what we see in workplace violence is more of a slow-burning daily occurrence," Fredrickson says.

"Violence as a general rule is an end-stage of a series of neglected indicators," says Edwin Foulke, a partner in the Atlanta and Washington, D.C., offices of Fisher & Phillips LLP and a former head of the U.S. Occupational Safety and Health Administration under the George W. Bush administration.

Employers should be aware of and alert to the warning signs that may indicate an impending incident, Foulke says.

Some signs are blatant—direct or indirect verbal threats, screaming and yelling, physical aggression. More often, though, the signs are subtle—a deterioration in job performance, irritability, becoming highly critical of others, depression. If these less obvious indicators are noted and addressed early, more serious outbursts of aggression or violence may be minimized.

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Certain situations may spark violence, Foulke says, and employers should be alert to potential triggers. An office romance may go bad. An employee may be criticized for poor performance.

"For some people, all they have is their job," Foulke says. "Then, when they start feeling threatened because they're getting constructive criticism about their job performance, they're unable to accept that criticism."

Jackson agrees and urges employers to pay particular attention to employees who may have recently had a negative experience, whether inside or outside of the workplace. They may have been subject to some form of disciplinary action or passed over for a promotion at work. They may be experiencing difficulty at home—a troubled marriage, an ill family member, problems with children, financial difficulties.

Depression can be a significant trigger for violent episodes that occur as part of a suicide attempt, Schroeder says, pointing to suicidal individuals who will harm others before killing themselves.

"You want to train people to watch for the signs of people who are dropping to depths in their lives that are causing them to become desperate," she says.

Because there are many warning signs that should be considered in combination—not just as isolated incidents, Jackson recommends that companies establish threat assessment teams made up of management representatives to consider and review potential risks on an ongoing basis. The team would then determine how serious a threat is and what action to take.

"Some cases would involve immediate action—calling the police, for example," Jackson says. "Others may only lead to referrals for counseling."

Your company's possible responses to warning signs should be outlined in your workplace violence and behavior policy and might include disciplinary action (up to and including termination) or, as Jackson suggests, a referral for counseling or contact with outside authorities.

Encouraging action

Not surprisingly, employees may be hesitant to bring up concerns about co-workers' behavior. Many simply don't want to get involved. This can include management staff, Foulke says. They may be worried about hurting someone's career or getting someone fired.

They may think, "They didn't really mean it" after hearing a comment about intended violence and dismiss it as someone just "blowing off steam." They may be afraid of the individual whose behavior is a concern. Or they may not think anything will be done about it.

In almost all serious cases of workplace violence, co-workers had knowledge that could have raised red flags if they'd shared it, Fredrickson says. When asked why they didn't report their concerns, Fredrickson says three responses are typical:

- I didn't know who I was supposed to report it to
- I didn't know how I was supposed to report it (phone call? email? in person?)
- I wasn't sure that the situation would be considered workplace violence.

Fredrickson tells of a situation in which a female employee found six different violent drawings on her desk depicting her in scenes ranging from being beheaded to being doused with gasoline and set on fire. She never reported the incidents.

Several months later, the male employee who had given her the drawings was terminated for an unrelated incident. The woman was concerned that he might get angry and come back to the workplace, so she finally took the pictures to her supervisor and Fredrickson was called in as a consultant.

This example illustrates the hesitancy to report in the extreme, but emphasizes the challenge that employers face in getting employees to come forward if they have suspicions or concerns that co-workers may be exhibiting violent tendencies.

Anonymous hot lines can be a good way to prompt employees to open up without fear of retribution.

Regardless of the process you use for having employees reports concerns, when they do so, you should respond promptly and appropriately.

"You need to make sure that concerns are not just being heard and then dropped," Jackson says.

Policies, education and ongoing communication are foundational elements in creating a safe workplace environment. But it's not so much what a company says about its commitment to a safe workplace as what it does when concerns or problems arise that contribute to a safe environment.

Sometimes it takes a tragic incident to remind employers that "it can happen here." But by taking steps in your workplace, you may be able to minimize the chances that it will.

■ RESOURCES

■ U.S. Occupational Safety & Health Administration website includes OSHA standards related to workplace violence, as well as various reports on preventing and dealing with workplace violence.
www.osha.gov/sltc/workplaceviolence

■ "2011 Workplace Violence Fact Sheet" and subscription to the bimonthly "Workplace Violence Prevention eReport" from the National Institute of Workplace Violence Inc., a workplace violence consultancy and research firm
www.workplaceviolence911.com/node/975

■ The U.S. Office of Personnel Management website includes a compilation of government agencies and nongovernment organizations that offer resources, statistics and information on workplace violence.
www.opm.gov/employment_and_benefits/worklife/official documents/handbooksguides/WorkplaceViolence/p4.asp

■ "Combating Workplace Violence" booklet from the International Association of Chiefs of Police, available as a PDF download
www.theiacp.org/pubinfo/pubs/pslc/svindex.htm

■ Webinar titled "Thirteen Strategies to Improve Workplace Safety, Reduce OSHA Exposure and Improve Profitability," available on demand and at no charge from the law firm Fisher & Phillips LLP
www.laborlawyers.com/shownews.aspx?Thirteen-Strategies-To-Improve-Workplace-Safety-Reduce-OSHA-Exposure-and-Improve-Profitability-Free-Webinar-June-23&Ref=list&Type=11348&Show=12901

■ "Workplace Violence Prevention" brochure from the Security Research Group, available online at **www.securityresearch-group.com** or via email request to **mjackson@security researchgroup.com**

■ "Workplace Violence: Issues in Response" report from the FBI, available as a PDF download
www.fbi.gov/stats-services/publications/workplace-violence

■ *Crucial Confrontations: Tools for Resolving Broken Promises, Violated Expectations and Bad Behavior* book by Kerry Patterson, Joseph Grenny, Ron McMillian and Al Switzler, McGraw-Hill, 2005