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Workplace Violence: An Employer's Guide

By Steve Kaufer, CPP and Jurg W. Mattman, CPP

With proper planning and effective programs, employers can dramatically reduce incidents of workplace violence.

Say the words workplace violence and most people think of a rampage shooting like the one in the City of Los Angeles building, where Willie Woods opened fire with a Glock semiautomatic pistol, killing four managers. Or maybe they will think of Bruce Clark, a 22-year U.S. Postal Service veteran who shot and killed his supervisor at a mail processing facility in another Southern California city. What about classic loner James Davis, who killed three and injured four at a manufacturing plant in North Carolina?

But are these acts what we should think of when we discuss this issue? Although deadly acts certainly pose a threat to the American worker, the berserk, disgruntled worker accounts for a small percentage of occupational deaths. A much more common cause of death is robbery, which causes approximately 1,000 deaths from violence in the workplace each year.

Workplace violence seems to have two definitions. The one perpetrated by the media is an armed, disgruntled employee or client who shoots selectively or indiscriminately at employees, supervisors and managers. However, studies have shown that the real threat workers face is more accurately described by the Workplace Violence Research Institute definition: Any act against an employee that creates a hostile work environment and negatively affects the employee, either physically or psychologically. These acts include all types of physical or verbal assaults, threats, coercion, intimidation and all forms of harassment.

How common are these less infamous examples of workplace violence? Every workday, an estimated 16,400 threats are made, 723 workers are attacked, and 43,800 are harassed. These figures, from a May 1995 study by the Workplace Violence Research Institute, point out the real dangers, dangers employers cannot afford to ignore. Even if employers weren't concerned with the decency factor, they should be concerned about the cost and lost productivity caused by these acts.

Preventing workplace violence, then, isn't the employees' sole concern, and it isn't just watching out for the disgruntled former worker who might return to work armed with a couple of semiautomatic weapons. Companies must guard against all risks faced by employees. An effective



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workplace violence prevention program includes physical security, pre-employment screening, good termination practices, employee assistance programs, out

How serious is the problem?

A number of studies have examined specific areas of workplace violence. The Northwestern Life Insurance Company found that one out of four full-time workers had been harassed, threatened or attacked on the job, leaving the victim angry, fearful, stressed or depressed. Coworkers accounted for most of the harassment; customers were responsible for additional attacks. The good news: Employers with effective grievance, harassment and security programs had lower rates of workplace violence.

Another study, by the American Management Association, found that 50% of the companies surveyed reported experiencing incidents or threats of workplace violence in the last four years. Violence had occurred more than once at 30% of the workplaces surveyed. 25% reported that the incident was by a current employee; 9% reported the problem was caused by a former employee. 42% of companies that experienced an incident began training programs compared to 18% of companies that experienced no incidents. According to 25%, the victim ignored the warning signs.

A study at the U.S. Department of Justice discovered 1,063 workplace homicides in 1993. Coworkers or former employees were involved in 59 of these killings; 43 were committed by customers, tenants or hospital patients. The study predicted that one in four employees will be victimized by workplace violence and found that workplace homicides increased slightly in 1994 to 1,071.

California's CAL/OSHA, the agency that monitors working conditions in California businesses, found that workplace fatalities are increasing. In 1993 assaults and violent acts became the leading cause of death at work, with workplace homicides increasing more than 25% from 1992 to 1993. Taxi drivers, security guards, convenience store clerks, jewelry store employees and small motel desk clerks had the highest rates of death of all occupations.

In a study conducted in 1995, the Workplace Research Institute found



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that the annual cost to American businesses exceeds \$36 billion. The calculations included the monetary cost of lost productivity, loss of life, injuries, counseling, legal fees, court awards, management time spent dealing with the crises, and other factors resulting in actual cash losses to a business suffering from any type of workplace violence.

It is important to realize these costs do not stem only from cases where a person is killed. The costs of harassment, threats and intimidation, which occur every day, greatly exceed the dollar loss of those cases that involve fatalities.

Other threats in the workplace:

Aside from the danger of violence from workers, former workers and other factors, such as robbery, another growing threat is domestic violence. A 1995 survey of 248 company security directors in 27 states found that domestic violence that spills over into the workplace ranked high on a list of security concerns, and 93% of those surveyed said domestic violence is increasing as a corporate issue.

In the case of domestic violence, often what starts at home is completed at work. Spousal assault at work is common. For employees being stalked, the workplace is the one location where the victim can usually be found; employees can change phone numbers and move, but most can't switch jobs to avoid a stalker.

Francescia La Rose, an employee of State Mutual Life Insurance, was shot in the head at her Houston office when her ex-boyfriend entered the reception area where she worked. Her family sued the firm for negligent security because she had told her employer a restraining order was in place and she feared for her life. The suit was settled in early 1995 for \$350,000.

In the case of domestic violence or stalking, the potential liability exposure to the employer is often greater because the company is usually aware of the conflict between the employee and the person intent on revenge. Once on-notice, the employer should take reasonable precautions to protect the employee and coworkers. Today, most states have anti-stalking laws, although this area of law is so new that the 1990 edition of Black's Law Dictionary doesn't even define the crime.



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Many people involved in workplace violence prevention are concerned about recent legislation of a different kind. More than 40 states now have laws making it legal to carry a concealed weapon. Usually after a defined licensing and training process, a license is issued, allowing a person to carry a concealed weapon.

The availability of a handgun in or near the workplace dramatically increases the potential for violence. Employers should review the impact of having armed employees on their property and then develop a written policy on weapons. Most companies prohibit firearms on the firm's property, with job loss as the result of violation.

Entrances to company property and buildings must be posted with a message prohibiting guns on the property. The vexing questions facing employers is how to deal with guns kept in a vehicle parked on company property. Prohibition or allowing weapons in cars creates two separate legal dilemmas, which are best addressed by the company's legal counsel.

Legal issues:

Aside from existing legal and regulatory obligations for employers to provide a safe and secure work environment, recent legislation and landmark legal cases add more responsibilities to those already facing the employer.

In 1995, CAL/OSHA issued guidelines for workplace safety and an injury and illness prevention program. Although businesses operating in California are not required to follow the plan, as the issue is further studied and tracked, mandatory programs may be invoked.

Also in California, in response to the growing concern for the safety of health care workers, a law enacted in 1993 requires hospitals, emergency rooms, home health services, long-term care facilities and drug and alcohol treatment centers to increase security and worker safety. The law mandates staff training, the use of security officers and an assessment of security procedures. This law also prompted CAL/OSHA to issue a model prevention program. The Federal OSHA program issued a similar set of guidelines for health care facilities in 1995.

Other states, including New York and New Jersey, have either enacted



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legislation addressing workplace violence or have bills pending.

In addition, workplace violence litigation has dramatically increased. Recent awards include \$5.2 million paid to a supervisor shot and permanently disabled by a disgruntled fired employee; \$5.49 million against a temporary employment agency that failed to adequately screen an employee provided to a client after that employee fatally stabbed a worker at the client-company; \$4.25 million against the U.S. Postal Service stemming from a shooting.

In legal action following an incident of workplace violence, issues often involve:

- Negligent hiring: failing to properly screen employees, resulting in the hiring of someone the courts could say had a history of violent and criminal acts.
- Negligent retention: keeping an employee after the employer became aware of the employee's unsuitability and then failed to act on that knowledge.
- Negligent supervision: failing to provide the necessary monitoring to ensure that employees perform their duties properly.
- Inadequate security: security measures provided to safeguard employees, customers and members of the public not consistent with the potential threat.

Although these are the most common elements of civil suits filed on behalf of those injured by an incident of workplace violence, many other elements can be drawn into the case. With the average out-of-court settlement of \$500,000 and an average \$3 million jury award, it makes sound business sense to reduce the potential for workplace violence and thus avoid exposure to litigation.

Developing a prevention program

Programs should be customized for each employer. Not all businesses need every element, but the ideal program development process includes common elements:



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- Forming an executive committee.
- Assessing current conditions.
- Fixing and implementing policies.
- Establishing a confidential information collection and evaluation center (a hotline).
- Developing a training program.
- Reviewing pre-employment screening practices.
- Reviewing the termination and layoff process.
- Preparing a crisis response plan.
- Testing and improving the program on a continuing basis.

This list may make developing a program appear daunting, but most companies have many components in an effective program already in place. These include access control, security and asset protection programs, sexual harassment policies, minimum standards of conduct and employee assistance programs.

A strong and resourceful partner in the program development should be the employee assistance program (EAP). An effective EAP program can help workers face and resolve issues that affect work and create the potential for violence. Within established guidelines, EAPs can help reduce the opportunity for violence.

The Roper Starch Worldwide polling organization conducted a survey of 508 human resource professionals and 502 employees. The survey found that two-thirds of the employees said they would not discuss their personal problems with the human resources department or other company personnel. But 87% of the respondents said they would turn to an EAP program for assistance if it were available.

As part of the workplace violence prevention program, employees must be told about EAP benefits. In one study, 71% of the responding companies offered assistance to employees with substance abuse problems, but only 42% of the employees were aware of the help. Similar percentages were found with other programs, including domestic violence. This emphasizes the critical need to tell all employees of these benefits.

The workplace violence committee

The committee is typically composed of ranking representatives from



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human resources, employee assistance, legal, risk management, security, facility management, public relations, and, if applicable, unions.

Although smaller companies may not have distinct representatives for each area of responsibility, if these functions exist, they should be included. It is important that upper-level representatives from the company participate on the committee because they have the authority to make the policy decisions.

For both the committee and program to be successful, all members of the senior company management must endorse the program and demonstrate their support.

The next step is to assess any current programs, the physical security and all policies related to threats, harassment or unwanted behavior. This evaluation will provide a baseline and allow the committee to identify existing strengths and weaknesses.

Often this step poses the greatest challenge to the committee. Although its members have the best and most intimate knowledge of their company, they lack the benchmark to judge how their firm measures up to accepted standards. The committee may want to bring in a specialized consultant who can provide an independent evaluation of vulnerability. The consultant can guide the process for the planning committee.

The next three steps in the process are intertwined. Policies must be written to define unacceptable behavior, the employees must be trained on these policies and how to recognize potential violence, and a contact person must be designated to allow workers to report behavior that may foreshadow potentially violent acts.

One of the most important elements in any prevention program is a zero tolerance policy for threats, harassment, intimidation and weapons possession. Such a policy will provide legal support for future terminations and help employees understand the unacceptable behavior and its consequences.

Once a written policy is drafted, the next step is establishing the Confidential Information Collection and Evaluation Center (CICEC), a hotline. The CICEC is a place within your company where employees can,



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anonymously and without fear of retribution, report abnormal behavior or dramatic behavior changes by a coworker or violations of the company's zero tolerance policy.

Once this information is received, it is evaluated and a response is planned. Unless an employee faces immediate harm, the response must be benevolent. The only way employees will report information to the CICEC is if they see their coworker receiving help for stress or other problems; a punitive response will quickly dry up the information pipeline.

The CICEC is an effective tool for the employee who senses changes in a coworker's behavior that could signal the build up of stress, which could lead to a violent episode. This behavior may not be noticed by a manager, human resource or security person who does not have daily contact with the employee.

The CICEC also serves as a conduit for information about weapons in the workplace or employees who are harassing fellow workers. This information may not surface until after an incident if employees don't have a convenient and discreet procedure for them to report what they see.

The most effective prevention programs involve all employees. Training employees to recognize the signals of impending acts of violence exhibited by a fellow employee increases the odds that this behavior can be spotted and proper action can alleviate the problems causing the behavior.

Training at three levels is most effective. An orientation session for company executives should provide an overview of the issues of workplace violence, detail the financial and legal consequences of not having an effective prevention program in place, and gain their support for the program.

Next to receive training are the area, division or department managers, and supervisors. This training should include conflict resolution, background on workplace violence and how it effects the work force, communicating with workers, and stress reduction. These employees should be trained in the company's policies on workplace violence.



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A shorter training session, about an hour in length, should be given to all employees. This training should include discussion of the company's zero tolerance policy, what constitutes threats, harassment and intimidation, and the warning signs violent coworkers may exhibit. How to report this behavior and a description of the help available to those workers should also be a part of this session.

Hiring and termination

Human resources plays an important role in reducing workplace violence. Hiring the right person is a critical part of a workplace violence prevention program. With the possibility of overstated qualifications, inflated education, added phantom job experience, and omitted jobs the prospective employee would rather the company not know about, the potential for hiring the wrong person is great if the application is taken at face value. In fact, studies have shown that up to 2% of applications contain material misstatements of facts.

Here's how to increase the odds in your favor when hiring new workers. First, verify everything on the employment application. Some firms do this themselves, others hire out. This step will, at the very least, ensure that the person interviewed possesses the skills, qualifications and job history claimed and meets the job requirements.

Anyone who has tried to verify past employment has likely encountered a military-like response: name, rank and serial number. To protect themselves from potential civil litigation, most employers give little or no meaningful information to prospective employers. Most will only verify that the applicant worked at the firm and the dates of employment. Using methods similar to those employed by professional investigators, you can develop additional sources of information from the references supplied by the applicant.

A survey conducted by the Society for Human Resources Management indicates that the likelihood of gaining useful information increases with mail inquiries. The study shows that 81% of the firms requested information by telephone; however, less than 50% said they would give out information by phone. An effective strategy would be to make an initial phone call to obtain the correct address and name of a contact person, then send a written request to that specific person.



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Equally important is the interview. Even for entry-level jobs, potential employees should be interviewed twice at different times and in person by a company employee skilled in the process. These two face-to-face meetings provide the opportunity to verify the information provided on the application. Those who lie often have trouble remembering the fictional tale they have woven. To be most effective, ask open-ended questions to verify dates, job history and other information provided. Some employers have attempted to use applicant screening tests to help judge the propensity to violence of the person seeking employment. With the advent of the ADA laws, such tests may be illegal if required before offering the applicant the job. If a test is administered after the applicant accepts employment, it would be very difficult legally to revoke the offer of a job if the test indicated any violent tendencies.

Although ADA laws allow an employer to exclude employees who pose a direct threat to the health and safety of the individual or others, the speculative nature of these screening tests do not meet the stringent requirements of ADA standards to establish that the employee is, in fact, a direct threat.

Another part of the background investigation employers should check is prior criminal convictions. In most states you may ask whether the applicant has been convicted of felony or misdemeanor charges. You may not, in most instances, ask whether there have been any arrests that did not lead to conviction.

It may not be a reasonable policy to exclude all applicants with convictions automatically. The best course of action may be a system to evaluate each case fairly, consistently and individually and weigh the potential liability. The best advice on this issue will come from your legal counsel.

Many companies are tempted to lessen the screening and background investigation requirements for lower-level, entry positions. This decision, often based on expense and expediency, could be a costly mistake. Not fully screening a certain class of applicant could expose the firm to a bad hiring decision and result in a tragic incident. Only with an effective program can the likelihood of hiring the potentially violent employee be reduced.

Equally important is the termination process. The single biggest trigger



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of rampage-type attacks in the workplace by employees is termination. How the firing is done can make the difference between a routine event and a crisis.

Two critical issues become clear from reviewing past incidents. First, the employee being fired must believe that there is a future. Losing this job cannot be seen as the end of the employment road.

Some companies have found that offering out placement assistance goes a long way toward reducing the stress facing a fired worker. Also agreeing in advance with the terminated worker to a statement of separation that details what will be told to prospective employers further reduces stress and pressure.

Employees who feel they have lost control will sometimes seek to regain that control. In their minds, using a weapon will more than level the playing field. Getting the terminated employee involved in the process and allowing the person to maintain the greatest sense of control possible will dramatically reduce the potential for a revenge attack. And proper disciplinary procedures and documentation will make the employee aware of the consequences of any unacceptable behavior and provide a legal foundation for the termination.

Because of workforce re-engineering, right-sizing, downsizing, whatever the term, large numbers of employees are losing their jobs. Since 1987, 85% of the Fortune 1,000 have reduced their workforces through downsizing.

A 1995 study by International Survey Research found that the number of workers who frequently worry about being laid-off doubled from 10% in 1990 to 44% in 1994. The research also found that those who believed that working hard meant keeping their job dropped from 69% in 1990 to 49% in 1994. This fear and uncertainty thus creates a higher level of stress that could translate into a higher potential for workplace violence.

Strategies to reduce the impact on the employees in large-scale terminations are:

- The availability and involvement of senior company leadership.
- Attention paid to those remaining, as well as those being termi-



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nated.

- Communication with employees, giving out straight facts in a timely manner, reducing the rumor mill.
- Involvement of employees in the design and implementation of the reductions.
- Explanation of the downsizing as just one aspect of a planned strategy to achieve the company's goals.

Physical security

Despite the fact that most workplace violence is internal, it still makes sense to include security systems and physical security measures as part of the complete, integrated approach to combating workplace violence.

For example, an employee who has been terminated but failed to surrender his ID badge might pose a threat to the workplace. With an integrated system, if the former employee presents a canceled card to an electronic reader, it will trigger an alarm. The system could also display a stored photo image of the employee to the on-site guard and print out a copy for distribution.

In addition, when the alarm is registered, a nearby closed circuit TV camera is automatically positioned to view the door, giving further information to security personnel.

Although most companies wish to create and maintain a safe working environment, the reality is that most firms can neither afford nor wish to build a security fortress. The control of workplace vulnerabilities, risks and potential losses require a sound and efficient integration of electronic and physical security elements and prevention and employee-care programs.

The first step in including technological improvements to the security program is an assessment of threats, risks and needs. The major shortfalls of ineffective programs are poor planning and failure to define the system's parameters.

In addition to electronic and physical boundaries, many companies rely on security personnel, either proprietary or contract security officers. Again, failure to define the goals for security personnel is the major



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reason for security inadequacies.

Planning for the crisis

Despite all the best planning, policies and practices, and despite dealing fairly with all employees and having a model prevention program, an incident could happen. What can be done then? Plenty, if you have planned for it.

A crisis response plan detailing the steps to be followed is necessary. Not only is a response plan effective for workplace violence, but also for other human-made or natural disasters, such as a chemical spill or an earthquake. The plan should outline the duties required to respond to a crisis properly. An effective plan involves most departments.

Form a team with representatives from all areas within the company that could be affected. This team will design the plan, implement it and, most importantly, test it.

Only plans exercised, revised and remaining fluid are effective. A plan written, put in a binder and never removed from the shelf until an incident happens is dangerous because it creates a false sense of protection. Write the plan, test it, and then continue to test it.

But it could happen here

Although some industries and occupations seem more predisposed to workplace violence, no work environment is immune. Incidents have occurred in three-person businesses as well as those employing thousands of workers.

In the strange economic times facing American business, a great deal of stress is placed on the employee. Some of these employees may have the ability and deluded reasoning to commit an act of workplace violence.

Downsizing also places pressure on those workers who remain. These employees are required to complete the same work in the same amount of time as the previous full-strength staff. Additional stress comes from wondering who will be cut in the next round of lay-offs.



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No company can completely prevent or eliminate workplace violence, but with proper planning and effective programs, the chances of such violent occurrences can be dramatically reduced.

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