

Strategies to Address Workplace Violence

Workplace violence is a growing concern for employers and employees nationwide. It can range from threats and verbal abuse to physical assaults and homicide. According to the Bureau of Labor Statistics, assaults and violent acts accounted for 18% of workplace fatalities in 2009. In the same year, there were 41,000 non-fatal assaults and violent acts which resulted in time lost from work.

The Occupational Safety and Health Act (“OSHA”) requires employers to provide a safe and healthful workplace for all workers. Employers who do not take reasonable steps to prevent or abate a recognized violence hazard in the workplace can be cited. Employers may also expose themselves to claims by injured employees of allegedly negligent hiring and/or retention of a worker who commits an act of violence in the workplace.

This article will explore some strategies that employers can take to address and prevent workplace violence.

Organizational Strategies

1. Establish a Zero Tolerance Policy that calls for disciplinary action or termination for threatening behavior or conduct. Ensure that rules are enforced without exception. Consider instituting random or periodic drug testing.
2. Carefully screen applicants. Question applicants about gaps in employment history. Require applicants to provide consent to contact former employers, and have them release former employers from liability for providing employment related information. Consider conducting an in-depth background investigation that includes credit and criminal checks (if done by an outside agency, an employer must comply with the Fair Credit Reporting Act). Advise applicants that they may be required to take a pre-employment drug test.
3. Emphasize to employees that they should report all dangerous behavior and threats. Commit to and actually practice an “open-door” policy.
4. Make professional counseling available to employees such as an employee assistance program.
5. Pay attention to the behavior of all employees – establish procedures for monitoring and/or reporting unusual or changed behavior.
6. Analyze the work environment for security risks and take appropriate precautions, including installing intercom systems in remote areas, providing adequate lighting, etc.
7. Notify employees that employer provided desks, computers and lockers are subject to inspection without prior notice.
8. Develop a relationship with local law enforcement agency and solicit their input.

9. Prepare a plan of action for potentially dangerous situations and establish a crisis management team.
10. Provide training for supervisory personnel in areas such as how to communicate with their employees, how to constructively criticize employees, how to identify potentially violent behavior and how to respond to explosive situations if they arise.

Supervisor Strategies

1. Supervisors should continually review their own behavior. Are they accessible to their employees, are they treating employees fairly, are they following the practices and procedures that they are required to enforce?
2. Pay attention to your employees. When you observe unusual or changed behavior, monitor and/or address it. Consult with others in the organization designated to assist in matters of this nature.
3. When disciplining an employee may create an explosive situation, do not meet alone with the employee. If the discipline involves a termination, ensure that all keys, security cards and other means of access to the workplace are returned immediately.
4. Take all threats seriously. Report potential violent situations to the appropriate person(s), i.e. the crisis management team, human resources, security or employee assistance program. If immediate attention is required, however, be calm, ask open-ended questions, avoid hand gestures or language that might exacerbate the situation and be empathetic. Don't be a hero, contact security or law enforcement personnel if the employee poses a threat.

Identifying the Potential for Violence

Particular employment events, such as layoffs, restructuring, disciplinary actions and terminations, may trigger violent behavior. If you are planning such an event, alert supervisors to watch for signs of impending violence and implement security precautions as necessary.

Certain behaviors and attitudes may be indicators of disruptive or violent behavior from an employee. These include:

1. Any unusual or changed behavior (e.g. uncharacteristic emotional outbursts, inappropriate remarks, vague or blatant threats, or secretive behavior).
2. Changes in work patterns/productivity (e.g. performance gets worse or is inconsistent, attendance problems, or deteriorating on the job relationships).
3. Employee is isolated or a "loner" and/or feels others are "out to get them".
4. Marked changes in personal grooming standards.

5. Evidence of serious stress in the employee's personal life (e.g. death of a loved one or a "messy" divorce).

Take All Threats Seriously

Investigate the facts, and if a threat is confirmed, remove the employee from the workplace. Place the employee on leave until a thorough investigation is completed. If the investigation reveals that a serious threat did occur, document the incident and apply discipline in accordance with the severity of the threat and company policy. If the employee is not terminated, the employer may require a physical or mental health examination to determine if the employee is able to return to work. If the employee does return to work, closely monitor his/her performance and behavior.

Threats of Violence and the ADA

An employer has a duty to accommodate a qualified person with a disability, including mental disabilities, unless the accommodation would impose an undue hardship or the person poses a direct threat to him/herself or to others in the workplace. A reasonable accommodation may be a short term leave to obtain treatment or therapy for the disabling condition. However, an employee's disability does not prevent an employer from taking disciplinary action, including termination when an employee has engaged in misconduct. If discipline is imposed, the employer must be certain that the action taken is not discriminatory. The disabled employee must not be given more severe discipline than other employees have been given for the same conduct, under similar circumstances.

For more information regarding strategies to deal with violence in the workplace, see OSHA's website at <http://www.osha.gov/SLTC/workplaceviolence/solutions.html>.

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