



---

# WORKPLACE VIOLENCE

Reducing the Risk



# Violence in Today's Workplace

In today's society, business owners cannot disregard the possibility that employees may become victims or perpetrators of violent acts in the workplace. Whether the cause is an armed assault from someone outside the business, an unstable employee, or an internal disagreement that escalates out of control, employers must consider worst-case scenarios and prepare for them.

Employers have a duty to provide a safe workplace and must do their best to prevent workplace violence, both to protect their employees and avoid liability.

**This paper explains the legal and ethical responsibilities employers have to prevent workplace violence and outlines steps that can be taken to reduce the risk of this growing threat.**

## CONTENTS

What is Workplace Violence?.....	3
Injuries and Fatalities Are on the Rise.....	3
What Should Companies Do to Prepare?.....	4
Applicable Laws.....	6
Planning Leads to Prevention.....	7

## ▶ What is Workplace Violence?

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite. It ranges from threats and verbal abuse to physical assaults and homicide. It can affect and involve employees, clients, customers, and visitors.

A single violent incident may result in death or injury of employees or bystanders, along with huge economic costs for medical and psychiatric care, liability lawsuits, lost business and productivity, repairs of or cleanup to a damaged worksite, and higher insurance rates.

## ▶ Injuries and Fatalities Are on the Rise

According to the most recent results from the Census of Fatal Occupational Injuries (CFOI) conducted by the U.S. Bureau of Labor Statistics, **a preliminary total of 5,190 fatal work injuries were recorded in the United States in 2016, which is a 7 percent increase from 2015.** This is the third consecutive increase in annual workplace fatalities and the first time more than 5,000 fatalities have been recorded by the CFOI since 2008. The fatal injury rate increased to 3.6 per 100,000 full-time equivalent (FTE) workers from 3.4 in 2015, the highest rate since 2010. While not all workplace injuries and fatalities are related to workplace violence, the statistics also show an increase in workplace violence.

Fatal work injuries involving violence and other injuries increased by 163 cases to 866 in 2016, the most recent year for which statistics are available. **Workplace homicides increased by 83 cases to 500 in 2016, and workplace suicides increased by 62 to 291.** This is the highest homicide figure since 2010 and the most suicides since CFOI began reporting data in 1992.



# What Should Companies Do to Prepare?

A well-written and implemented workplace violence prevention program, combined with engineering controls, administrative controls, and training, can reduce the incidence of workplace violence. All workers must know the policies and understand that all claims of workplace violence will be promptly investigated and remedied to the best of the employer's ability.

## PREVENTION POLICY

### Goals

The goals of any workplace violence prevention policy are two-fold:

- 1** To reduce the probability of threats or acts of violence in the workplace; and
- 2** To ensure that any incident, complaint, or report of violence is immediately addressed and properly managed.

### Components

The primary components of a workplace violence prevention policy include:

- ✓✓ Clearly delineated reporting and response procedures
- ✓✓ A workplace security risk evaluation
- ✓✓ Prevention tools
- ✓✓ Mandatory training
- ✓✓ Other necessary support services

In performing a security risk evaluation, employers must assess their workplace(s) for factors or situations that may increase the risk of occupational violence. Examples include working in public settings, working alone or in small numbers, and working late night or early morning hours.

Employers must inform employees of the requirements of applicable state and federal law, the risk factors in their workplace, and the location of the written workplace violence prevention program.



## ► Steps to Consider



**Create a safety education program** that informs employees about unacceptable conduct, what to do if an employee witnesses or is subjected to workplace violence, and how employees may protect themselves. (ThinkHR offers several courses in Learn.)



**Secure the workplace.** Employers may elect to install video surveillance, additional lighting, and alarm systems. They may minimize access to the workplace by non-employees through identification badges, electronic keys, and security guards.



**Provide drop safes** to limit the amount of cash on hand in retail businesses. Keep a minimal amount of cash in registers during evening and early morning hours.



**Equip field staff** with cell phones, hand-held alarms, or noise devices. Require employees to prepare a daily work plan with a pre-established contact person who is informed of field staff's location throughout the day.



**Instruct employees** not to enter any unsafe location. Introduce a buddy system or provide an escort service or police assistance in potentially dangerous situations or at night.

## ► Recognize Levels of Violence and Respond

Potential or actual violent situations among employees may escalate if not defused. Violence and the warning signs that typically occur can usually be identified at three levels.

- 1 Early warning signs such as intimidation, bullying, or verbal abusiveness
- 2 Escalation of the situation such as insubordination, arguing, or making threats
- 3 Further escalation such as displays of rage, destruction of property, or utilization of weapons

Any warning signs may be indicative of a potentially violent situation, so employees will have to make a judgment call as to the appropriate action to take.



## Applicable Laws

### Occupational Safety and Health Act

Although there is no federal law specifically imposing a duty on employers to prevent workplace violence, employers do have a duty to provide a safe working environment. Specifically, the Occupational Safety and Health Act (OSH Act) General Duty Clause (29 U.S.C. § 654(a)(1)), requires employers to provide a safe and healthful workplace for all workers covered by the Act. This can include identifying hazards that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard. Employers who do not take reasonable steps to prevent or abate a recognized hazard in the workplace may be liable under federal or relevant state laws.

### Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a comprehensive anti-discrimination statute that prohibits discrimination against individuals with disabilities. The ADA is relevant to the issue of workplace violence because employees who threaten or commit acts of violence — or victims of threatening or violent behavior — may seek protection under the law due to debilitating psychological conditions leading to or resulting from violence. However, the laws do not shield employees from the consequences of their own violent behavior.

### State Laws

Employers may also need to be aware of other laws and regulations that impact their response to violence in the workplace. These include state laws regarding the prohibition of stalking, the provision of restraining orders, or the legality of storing guns in private vehicles on company property.

- ▶ **Stalking Laws:** Most states now have stalking laws that prohibit willful, malicious, and repeated following and harassing of another person. These laws carry into the workplace, and employers must understand how to handle a stalking situation, whether the perpetrator is also an employee or has a personal connection to the victim.
- ▶ **Restraining Orders:** Restraining orders and protective court orders are may be issued to prevent further violence, threats, or harassment by a known party against another. They are issued by a court and forbid, for a specified period of time, one party from making contact with another. Employers may be called upon to assist a victim who is protected by a restraining order.
- ▶ **“Guns in Trunks” Laws:** Employers generally have an absolute right to ban firearms in the workplace. However, about half of the states do not allow employers to impose this same ban on firearms in an employee’s private vehicle on company property. State “guns in trunks” laws generally allow employees to retain firearms securely locked in their privately-owned vehicles, even when located on an employer’s private property. See our [Guns in Trunks State Laws](#) chart to find out if the state(s) in which you operate impose this law.



## Planning Leads to Prevention

Taking proactive measures to avert potentially violent or dangerous situations at work can allow employers to offer a safe and productive workplace. A thorough and clearly articulated workplace violence plan that includes awareness and ongoing training can ensure employees have the knowledge necessary to help prevent and/or respond appropriately to potential workplace violence.

Trust ThinkHR's People Risk Management solution to help you craft your workplace violence prevention strategy. Resources available to help ThinkHR customers reduce the risk of violence include:

- ✔ Customizable policies in our Living Handbook
- ✔ Training courses for employees and supervisors in Learn
- ✔ Up-to-date information, tools, and commentary to ensure compliance with state and federal laws in Comply
- ✔ Personalized expert advice from our certified, experienced HR advisors in Live

## Connect with ThinkHR

To learn more about ThinkHR or connect with one of our representatives, please go to [thinkhr.com/contact-us/](https://thinkhr.com/contact-us/).



Visit us on the web at [thinkhr.com](https://thinkhr.com)



Follow us on [in LinkedIn](#) or [Twitter](#) (@RealThinkHR)



Call us at 855.271.1050