

Workplace Violence: Much Is At Stake

You own a small to mid-size private business in the mostly-peaceful state of Oregon. Why be concerned about workplace violence?

Because workplace violence is not reserved for large companies in big cities, nor is its expression limited to homicides. Workplace violence also includes loud arguing, door-slammings, threats, intimidating gestures, assaults and other inappropriate behavior that disrupts the workplace and makes it unsafe for workers and customers.

How Do You Prevent Workplace Violence?

You may not be able to shield your business completely. However, you may be able to reduce your risk by understanding who perpetrates workplace violence and why.

The Injury Prevention Research Center (IPRC) at the University of Iowa divides perpetrators of workplace violence into four groups. **Type I** perpetrators include the individual who has no relationship with the business, but merely intends to commit a criminal act (most often robbery, shoplifting or trespassing). Violence can also occur during these crimes. When there is a weapon involved, the risk of injury or fatality is high. The majority of violent incidents in the workplace - 85% - fall into this category.

Type II perpetrators include customers or clients of a business who may be disgruntled or under stress. The healthcare industry suffers the largest number of nonfatal

assaults of this type, largely at the hands of patients.

The **Type III** perpetrator is a current or former employee of the business. Worker-on-worker homicide accounts for 7% of workplace homicides.

The final category, **Type IV**, involves a person who has no direct relationship with the business, but intends to victimize an individual connected with the business. Most notably these cases involve domestic violence that spills over into the workplace. Women are overwhelmingly the target, though such violence can indirectly affect other workers.

The Statistics

- The Centers for Disease Control and Prevention has declared workplace violence to be epidemic in America.
- No business or community is immune to workplace violence.
- Workplace violence is the highest cause of fatal occupational injury among women, and the second highest cause for men.
- A 1996 study found that on average, 20 workers are murdered and 18,000 are assaulted at work or on duty each week.
- Workplace violence can cost businesses \$50 billion each year.

What Can You Do?

Prevention is a thorny issue because there are no studies that define the most effective protective measures. At the same time, given that employers have some responsibility to provide a secure workplace for their employees, taking steps in that direction is advisable. The following is a list of actions for you to consider.

First, apply technology to the work environment. Add lighting to parking lots and stairwells to make it difficult for perpetrators to hide. Control access with at least a lock and key, and know who has access to the workplace. Use cameras to monitor public areas, doorways and parking lots. In some workplaces, create barriers between employees and the public to prevent physical contact. You may want to consult with a security professional to assist you in evaluating these and other options.

Second, use prudent hiring practices. Ask applicants to describe how they have dealt with conflict with coworkers and supervisors. Perform background checks that will disclose a violent criminal history. Call references and ask specific questions about the candidate's past behavior. Taking appropriate measures in the hiring process helps protect against accusations of negligent hiring should an incident of workplace violence occur later.

Third, be aware of your employees' behavior. There are warning signs associated with acts of workplace violence, including excessive absenteeism, depression, paranoia, blaming others, and fascination with weapons. Watch for signs that an employee is abused at home and become informed about the assistance available for victims of domestic violence. Keep written records of

behavioral problems and retain the right to search employees' desks, lockers and cars.

Fourth, be aware of your customers' conduct. Understand the points of stress that occur in the interactions between employees and clients, customers or patients. Train employees on methods for managing conflict. Refuse to tolerate intimidation or violence from customers.

Fifth, establish a nonviolent working environment. Adopt a policy of zero-tolerance for violence in the workplace and live up to that standard. Publish your anti-violence stance in your employee handbook. Post it in the lunch room. Make sure employees know what conduct is unacceptable, how to report such conduct, and the consequences of violating the policy. Do not permit supervisors to intimidate or humiliate subordinates as this can cause needless and destructive stress. And develop a compassionate termination policy.

Finally, every business needs an action plan to help prepare for a worst-case scenario. How quickly can the premises be evacuated? Who should call for assistance? How can you document the event? The ability to respond quickly and calmly may reduce the damage caused by a violent incident.

“Do what you can and hope for the best” has a unique meaning for each business. If you believe your business is at risk for workplace violence, please do not hesitate to call the employment advisors at Hershner Hunter, LLP: Andrew G. Lewis, Linda J. Kessel and Sylvia M. Van Dyke.

This memorandum provides general information and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. If you have specific legal questions, you are urged to consult with a lawyer.