

Workplace Violence Prevention and Awareness: Policies, Threat Assessment, and Response Strategies

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Today's Agenda

- I. Workplace Violence Overview & Company Policy
- II. Threat Assessment & Response Strategies
- III. Workplace Violence Scenarios






I. Workplace Violence Overview & Company Policy

What is Workplace Violence?

- Workplace violence is violence or the threat of violence against workers.
- It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths.
- However it manifests itself, workplace violence is a growing concern for employers and employees nationwide.



Can It Happen In Your Workplace?

- As of 2021, studies show that 2 million American workers become victims of workplace violence annually.
- 7% of fatalities that occurred in the workplace have been a result of hitting, kicking, beating, and/or pushing.
- 30,000 sexual assaults on the job are reported annually.
- 1 in 7 American workers reported that they do not feel safe in their workplace.
- In 2020, at the height of the pandemic, more than one-third of workers surveyed said they were unaware of their company's safety plan.



Potential Perpetrators of Hostile Acts

Violence in the workplace can be perpetrated by anyone:

- **Criminal Intent** – The perpetrator has no legitimate business relationship to the workplace and enters to commit a robbery or other criminal act
- **Co-Worker** – The perpetrator has some employment-related involvement with the affected workplace such as current or former employee/consultant
- **Customer/Client** – The perpetrator is either a current or former recipient or object of a service provided by the company
- **Personal Relationship** – The perpetrator is someone who does not work there but has or is known to have had a personal relationship with an employee.



The General Duty Clause

- The Occupational Safety and Health Act's (OSH Act) General Duty Clause requires employers to provide a safe and healthful workplace for all workers covered by the OSH Act.
- Under the OSHA Act, all employers must provide a work environment "free from recognized hazards that are causing or are likely to cause death or serious physical harm."
- Workplace violence is a recognized hazard and as such, employers have the responsibility via the OSH Act to abate the hazard.
- The Occupational Safety and Health Administration (OSHA) relies on the General Duty Clause for enforcement authority.



Workplace Violence Prevention Policy

- "The Company is committed to providing a safe, violence-free workplace for our employees. The Company has a zero-tolerance policy for acts of violence, threats of harm, physical intimidation, and/or possessing or using weapons in the Company's offices or job sites. The Company will take whatever actions it deems necessary to help protect employees and other authorized visitors to our properties."



Workplace Violence Prevention Policy (cont.)

- “**Threats, threatening language, or any other acts of aggression or violence** made toward or by any employee **will not be tolerated**. A threat may include any verbal or physical harassment or abuse attempts to intimidate others, menacing gestures, stalking or any other hostile, aggressive and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace, job sites, customer work sites or at Company-sponsored functions.”



Workplace Violence Prevention Policy (cont.)

- “**All Company employees bear the responsibility of keeping our work environment free from violence or potential violence**. Any employee who witnesses or is the recipient of violent behavior should promptly inform their manager or Human Resources. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this policy.”
- “Any individual engaging in violence against the Company, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. **Any such act or threatening behavior may result in disciplinary action up to and including termination.**”



Workplace Violence Prevention Policy (cont.)

- “The Company prohibits the possession of any firearms, or other weapons on Company premises and job sites at all times, including Company vehicles, as well as while at client work locations on Company business, or while acting as a company representative at any work-related activities, meetings or functions.”
- “Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that can be used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia, stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including termination.”



Workplace Violence Prevention Policy (cont.)

- “Notwithstanding the foregoing, storage of a lawfully possessed weapon in a personal vehicle on Company premises is permitted when, and only to the extent that, state law prohibits the Company from banning such storage.”
- “The Company reserves the right to conduct searches or inspections of desks, cubicles, offices, computers, cabinets, files, drawers, or other property that is owned by the Company, as well as any personal effects, such as briefcases, lunch bags/boxes, purses and handbags, backpacks, etc. brought on Company property. Employees do not have a right to privacy in lockers, desks, drawers, boxes or other areas which are the property of the Company. Furthermore, to help secure a safer working environment, the Company reserves the right to use surveillance cameras.”



How Can Employees Protect Themselves?

- Nothing can guarantee that an employee will not become a victim of workplace violence. Training in the following areas, however, can help reduce the odds:
 - Learning how to recognize, avoid, or diffuse potentially violent situations by attending personal safety training programs.
 - Alerting supervisors to any concerns about safety or security and report all incidents immediately in writing.
 - Encouraging employees to avoid traveling alone into unfamiliar locations or situations whenever possible.
 - Carrying only minimal money and required identification into community settings.



Employee Responsibilities

- Employees (including Managers and Supervisors) should be put on notice that they are responsible for:
 - their own behavior by interacting responsibly with fellow employees, supervisors, and clients;
 - being familiar with Company policy regarding workplace violence;
 - promptly reporting actual and/or potential acts of violence to appropriate authorities;
 - cooperating fully in investigations/assessments of allegations of workplace violence; and
 - informing appropriate personnel about restraining or protective court orders related to domestic situations so that assistance can be offered at the worksite.



Manager & Supervisor Responsibilities

- Managers and Supervisors are additionally responsible for:
 - informing employees of the Company's workplace violence policy and program;
 - taking all reported incidents of workplace violence seriously;
 - investigating all acts of violence, threat, and similar disruptive behavior in a timely fashion and taking the necessary action(s);
 - providing feedback to employees regarding the outcome of their reports regarding violent or potentially violent incidents;
 - being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties;
 - encouraging employees who show signs of stress or evidence of possible domestic violence to seek assistance; and
 - assuring, where needed, that employees have time and opportunity to attend training, e.g., conflict resolution, stress management, etc.



Human Resources Responsibilities

- Human Resources is responsible for:
 - assisting in assessing and investigating allegations of workplace violence raised by employees, supervisors, and/or managers, as requested;
 - providing technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations, including Alternatives to Discipline and use of Alternative Dispute Resolution processes;
 - providing advice and counsel regarding personnel rules and regulations; and
 - offering training courses to assist employees to deal with situations which may lead to potential violence (e.g., conflict resolution, stress management, negotiation skills, etc.)



Work Environment

- Steps to help create a professional, healthy, and caring work environment:
 - promoting sincere, open, and timely communication among managers, employees, and union representatives;
 - offering opportunities for professional development; fostering a family-friendly work environment;
 - maintaining mechanisms for complaints and concerns and allowing them to be expressed in a non-judgmental forum that includes timely feedback to the initiator;
 - promoting "quality of life" issues such as facilities and job satisfaction; and
 - maintaining impartial and consistent discipline for employees who exhibit improper conduct and poor performance.



What Should Be in Your Company's Response Plan If Violence Occurs?

- Investigate all violent incidents and threats, monitor trends in violent incidents by type or circumstance, and institute corrective actions.
 - Employees should be required to report and HR and/or supervisors should log all incidents and threats of workplace violence.
- Provide prompt medical evaluation and treatment after the incident.
- Report violent incidents to the local police promptly.
- Inform victims of their legal right to prosecute perpetrators.
- Discuss the circumstances of the incident with staff members. Encourage employees to share information about ways to avoid similar situations in the future.
- Where appropriate, offer stress debriefing sessions and post-traumatic counseling services to help workers recover from a violent incident.



II. Threat Assessment & Response Strategies

Threat Assessment Basics

- In cases related to stalking behaviors, workplace violence, and other situations where targeted violence is a possibility, comprehensive and carefully conducted threat assessment investigations can safeguard potential targets, deter potential attackers, and protect workforces.
- The three major functions of a threat assessment program are:
 - (1) identification of a potential perpetrator;
 - (2) assessment of the risks of violence posed by a given perpetrator at a given time, and management of both the subject; and
 - (3) the risks that he or she presents to a given target.



Fundamental Principles of Threat Assessment

- Violence is a process, as well as an act. Violent behavior does not occur in a vacuum. Careful analysis of violent incidents shows that violent acts often are the culmination of long-developing, identifiable trails of problems, conflicts, disputes, and failures.
- Violence is the product of an interaction among three factors:
 - (1) The individual who takes violent action;
 - (2) stimulus or triggering conditions that lead the subject to see violence as an option, "way out," or solution to problems or life situation; and
 - (3) a setting that facilitates or permits the violence, or at least does not stop it from occurring.



Fundamental Principles of Threat Assessment (cont.)

- A key to investigation and resolution of threat assessment cases is identification of the subject's "attack-related" behaviors. Perpetrators of targeted acts of violence engage in discrete behaviors that precede and are linked to their attacks; they consider, plan, and prepare before engaging in violent actions.
- Threatening situations are more likely to be successfully investigated and managed if agencies and systems – both within and outside law enforcement or security organizations – are recognized and used to help solve problems presented by a given case.



Threat Assessment: Evaluation Stage

- There are three levels to consider when recognizing violence and determining an appropriate response:
 - Level One – Early Warning Signs
 - Level Two – Escalation of the Situation
 - Level Three – Further Escalation, Usually Resulting in an Emergency Response



Level One – Early Warning Signs

- The person is:
 - intimidating/bullying;
 - discourteous/disrespectful;
 - uncooperative; and/or
 - verbally abusive.
- Response When Early Warning Signs Occur at Level One
 - **Observe** the behavior in question.
 - **Report** concerns to your supervisor to seek help in assessing/responding to the situation.
 - If the offending employee is the reporting employee's immediate supervisor, the employee should notify the next level of supervision.
 - If the offending person is not an employee, the supervisor of the employee reporting the incident is still the appropriate individual to receive and provide initial response.
 - **Document** the observed behavior in question.



Level One – Early Warning Signs (cont.)

- Supervisor should meet with the offending employee to discuss concerns. Follow these procedures:
 - Schedule private time and place.
 - Get straight to the point.
 - Ask the employee for his or her input.
 - Ask the employee what should be done about the behavior.
 - Ask how you can help.
 - Identify the performance and/or conduct problems that are of concern.
 - Identify the steps you would like to see to correct problems.
 - Set limits on what is acceptable behavior and performance.
 - Establish time frames to make changes and subsequent consequences for failing to correct behavior and/or performance.



Level Two – Escalation of the Situation

- The person:
 - argues with customers, vendors, co-workers, and management;
 - refuses to obey company policies and procedures;
 - sabotages equipment and steals property for revenge;
 - verbalizes wishes to hurt co-workers and/or management;
 - sends threatening note(s) to co-worker(s) and/or management;
 - and/or sees self as 'victimized by management (i.e., "me against them")'.
- Response When the Situation Has Escalated to Level Two
 - If warranted, **call** 911 and other appropriate emergency contacts (e.g., security).
 - Employees should be trained to immediately contact their supervisor and, if needed, the supervisor should be trained to contact appropriate official(s) such as to seek help in assessing/responding to the situation.
 - Employees and supervisors should be trained to, if necessary, **secure** their own safety and the safety of others, including contacting people who are in danger (make sure emergency numbers for employees are kept up-to-date and accessible).
 - **Document** the observed behavior in question



Level Two – Escalation of the Situation (cont.)

- Supervisor should meet with the employee to discuss concerns and, if appropriate, begin or continue progressive discipline. The supervisor should follow these procedures:
 - Call for assistance in assessing/responding, if needed.
 - Avoid an audience when dealing with the employee.
 - Remain calm, speaking slowly, softly, and clearly.
 - Ask the employee to sit down; see if s/he is able to follow directions.
 - Ask questions relevant to the employee's complaint such as:
 - What can you do to try to regain control of yourself?
 - What can I do to help you regain control?
 - What do you hope to gain by committing violence?
 - Why do you believe you need to be violent to achieve that?
 - Try to direct the aggressive tendencies into another kind of behavior so that the employee sees s/he has choices about how to react.



Level Three – Further Escalation/Emergency Response

- The person displays intense anger resulting in:
 - suicidal threats;
 - physical fights;
 - destruction of property;
 - display of extreme rage;
 - and/or utilization of weapons to harm others.
- Response When Situation is a Level Three Emergency:
 - **Call** 911 and other appropriate emergency contacts (e.g., security). Remain calm and also contact supervisor.
 - **Secure** personal safety first. Leave the area if safety is at risk.
 - **Cooperate** with law enforcement personnel when they have responded to the situation.



Level Three – Further Escalation (cont.)

- Once law enforcement personnel are on the scene, they will assume control of the situation.
- Witnesses should be prepared to provide a description of the violent or threatening individual, details of what was observed, and the exact location of the incident.
- Document the observed behavior in question. Supervisors, where needed, should contact Human Resources and follow the procedures described in the Level Two section.



Documentation Checklist

- Did you record the documentation promptly, while your memory was still fresh?
- Have you indicated the date, time, and location of the incident(s) documented?
- Did you record the action taken or the behavior exhibited?
- Did you indicate the person(s) or work products involved?
- Have you listed the specific performance standards violated or exceeded?
- Did you record the consequences of the action or behavior on the employee's total work performance and/or operation of the work unit?
- Have you been objective, recording observations and not impressions?
- Did you indicate your response to the action of the employee's behavior?
- Did you indicate the employee's reaction to your efforts to modify his/her behavior?



Domestic Violence

- In the event the perpetrator shows up at work with the intent of harming the employee and any others who happen to be in the way or involved, follow the procedures described in Level Three in responding to the immediate crisis.
- If it is known that an employee is being affected by domestic violence, whether or not the perpetrator has shown up at work, it is important to provide support and assistance. Not only is the person at risk for more and usually escalated violence, but it has an impact on the safety and productivity of the entire work force.



Indicators of Potential Violence by an Employee

- Increased use of alcohol and/or illegal drugs
- Unexplained increase in absenteeism
- Noticeable decrease in attention to appearance and hygiene
- Depression/withdrawal
- Resistance and overreaction to changes in policy and procedures
- Repeated violations of company policies
- Increased severe mood swings
- Noticeably unstable, emotional responses
- Explosive outburst of anger or rage without provocation
- Suicidal; comments about "putting things in order"
- Behavior which is suspect of paranoia ("everybody is against me")
- Increasingly talks of problems at home
- Escalation of domestic problems into the workplace; talk of severe financial problems
- Talk of previous incidents of violence
- Empathy with individuals committing violence
- Increase in unsolicited comments about firearms, other dangerous weapons, and violent crimes



Early Intervention

- Intervening early in a threatening or potentially violent situation is vital to preventing its escalation. There are many intervention options, and they vary greatly depending upon the situation. Early intervention may defuse the initial situation and give the supervisor an opportunity to thoroughly review options for resolution. Intervention sets the tone for how the situation will be resolved so it must be handled deftly.
- Supervisors and managers must be willing to take action when necessary. All employees must know that violence in the workplace will not be tolerated and that appropriate action will be taken if threats of violence or violence occurs.



Coping with Threats of Violence As Recommended by the Federal Protective Service

- For an angry or hostile customer or coworker:
 - Stay calm.
 - Listen attentively.
 - Maintain eye contact.
 - Be courteous.
 - Be patient.
 - Keep the situation in your control.
- For a person shouting, swearing, and threatening:
 - Signal a coworker, or supervisor, that you need help. (Use a duress alarm system or prearranged code words.)
 - Do not make any calls yourself.
 - Have someone call a security guard or local police.



Coping with Threats of Violence As Recommended by the Federal Protective Service (cont.)

- For someone making threats with a gun, knife, or other weapon:
 - Stay calm.
 - Quietly signal for help. (Use a duress alarm or code words.)
 - Maintain eye contact.
 - Stall for time.
 - Keep talking -- but follow instructions from the person who has the weapon.
 - Don't risk harm to yourself or others.
 - Never try to grab a weapon.
 - Watch for a safe chance to escape to a safe area.



Coping with Threats of Violence As Recommended by the Federal Protective Service (cont.)

- If a threat is made by telephone, including a bomb threat, wherever possible, note the following (sometimes the caller will respond unwittingly and provide valuable information):
 - Telephone number where the call was received;
 - Exact time call was received;
 - Caller's sex, name, telephone number, and where calling from;
 - Details regarding caller's voice (calm, excited, disguised, accent, etc.);
 - Caller's estimated age (as determined by voice);
 - Background noise, if any; and
 - If call involves a bomb threat, also ask the following: When will the bomb explode? Where is the bomb? What does it look like? What kind of bomb is it? Why did you place the bomb?
- Notify your supervisor, immediately report the incident to a security guard and/or local law enforcement, and evacuate the area if safety at risk.



Coping with Threats of Violence (cont.)

- Write down all the emergency numbers for your building or worksite. Tape a card on your desk by your phone or somewhere else close to your phone for handy reference:
 - Building or Worksite Security
 - Police/Sheriff
 - Fire Department
 - Ambulance
 - When in doubt, dial 911



If A Disruptive Event Occurs

- Administrative actions to keep an employee away from the worksite
- In situations where a disruption has occurred on the job, or where there is a belief that the potential for violence exists, a supervisor may need to keep an employee away from the worksite to ensure the safety of employees while conducting further investigation and deciding on a course of action.



If A Disruptive Event Occurs (cont.)

- Immediate, short-term actions
 - Place employee on excused absence (commonly known as administrative leave) = Placing the employee in a paid, non-duty status is an immediate, temporary solution to the problem of an employee who should be kept away from the worksite. Some employees who are placed on excused absence consider this measure to be punitive. However, relevant statute and case law have indicated that as long as the employee continues receiving pay and benefits just as if he or she were in a duty status, placing the employee in an excused absence status is not an adverse employment action.
 - Re-assign employee to another position = This can be an effective way of getting an employee away from the worksite where he or she is causing other employees at the worksite to be disturbed. However, this action will be useful only if there is another position where the employee can work safely and without disrupting other workers.



If A Disruptive Event Occurs (cont.)

- Supervisors are sometimes faced with a situation where there is insufficient information available to determine if an employee poses a safety risk, has actually committed a crime, or has a medical condition which might make disciplinary action inappropriate.
- Longer-term actions
 - Indefinite suspension = An indefinite suspension is an adverse action that takes an employee off-duty without pay until the completion of some ongoing inquiry, such as an investigation into allegations of misconduct. Employers usually propose indefinite suspensions when they will need more than 30 days to await the results of an investigation, await the completion of a criminal proceeding, or make a determination on the employee's medical condition.
 - Indefinite enforced leave = The procedure for indefinite enforced leave is the same as for an indefinite suspension. It involves making the employee use his or her own paid time off pending the outcome of an inquiry.



If A Disruptive Event Occurs (cont.)

- Where the supervisor possesses the relevant information regarding violent, harassing, threatening, and other disruptive behavior, the supervisor must determine the appropriate disciplinary action.
 - Courts and regulatory agencies generally uphold employers' rights to discipline employees who have threatened, intimidated, or physically injured their supervisors or coworkers, or otherwise caused a disruption in the workplace.
- Some disciplinary actions are:
 - Verbal reprimand, written warning, and alternative discipline. These lesser disciplinary actions can be used in cases where the misconduct is not serious and progressive discipline may correct the problem behavior.
 - Removal and/or suspension (with or without pay)
 - Termination/discharge
- Stay in communication with involved employees' Union representative(s)



Reporting

- Company policy should require that if an employee is subjected to violent or aggressive behaviors in the workplace or has witnessed anyone being subjected to violent or aggressive behaviors:
 - Report it to their supervisor or Human Resources.
 - If a supervisor is perpetrating the violence or aggressive behaviors, report it to Human Resources.
 - The company should provide a complaint form to report violent or aggressive behaviors and file complaints.
 - Employees should also be informed in the policy and during training that they may also make reports verbally.



Reporting (cont.)

- Supervisors should be required by the company to report **any** instances of violence or aggressive behaviors, however minor, that they observe or know of, even if no one is objecting to the behavior.
- Employee should be notified in the company's written policy and during training that they will not be retaliated against for reporting suspected violent or aggressive behavior or assisting in any investigation.



Investigation of Complaints

- The company should promptly investigate all reports of violence or aggressive behavior, whether information was reported in verbal or written form.
- An investigation of any complaint should be commenced immediately and completed as soon as possible.
- The investigation will be kept confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation of suspected workplace violence or aggressive behaviors.
 - It is illegal for employees who participate in any investigation to be retaliated against.
- Anyone who engages in violence, possesses weapons in violation of company policy, or retaliates against an individual who reported the behavior will be subject to remedial and/or disciplinary action, up to and including termination.



How Will Reports or Complaints be Handled?

Reports of violence or aggressive behaviors in the workplace should be handled in the following manner:

- It should be promptly investigated and appropriate action (including interim action, where applicable) will be taken.
- Relevant documents, emails, phone records, and/or surveillance video (if applicable) should be requested, preserved and obtained.
- Interviews should be conducted. Confidentiality will be maintained except for limited disclosure where necessary to conduct an appropriate investigation.
- The individual who complained and the individual(s) accused of workplace violence should be notified of the final determination and that appropriate administrative action has been taken.
- Referral to federal, state, and/or local law enforcement agencies when a crime is suspected to have been committed. A victim may also directly file a complaint with law enforcement



III. Workplace Violence Scenarios

Scenario #1

- At a smoking break with one of his colleagues away from the worksite, an employee was reported to have said, “I like the way some workers handle problems with their supervisors -- they eliminate them. One of these days I'm going to bring in my gun and take care of my problem.”



Scenario #2

- Human Resources receives a frantic call from an employee saying that her co-worker just left her office muttering about “the final straw – you all won't have me to push around any more.” She said she's been worried for weeks about the possibility of her coworker committing suicide and knows now she should have called earlier.



Scenario #3

- Two months after an employee retired, he began threatening his ex-supervisor. He knocked on his ex-supervisor's apartment door late one evening. He left threatening statements on the supervisor's home answering machine, such as "I just wanted to let you know I bought a gun." The supervisor also received a threatening letter from an anonymous source and suspects it was the former employee.



Scenario #4

- A staff member of Human Resources is counseling an employee about her frequent unscheduled absences, when she told him a chilling story of what she's been going through for the past year. She broke up with her boyfriend a year ago and he's been stalking her ever since. He calls her several times a week (she hangs up immediately). He shows up wherever she goes on the weekends and just stares at her from a distance. He often parks his car down the block from her home and just sits there. He's made it known he has a gun.



Scenario #5

- A supervisor reported to Human Resources that he recently heard from one of his employees (alleged victim) that another one of his employees (alleged perpetrator) has been intimidating him with "in your face" behavior. The alleged perpetrator has stood over the alleged victim's desk in what he perceived as a menacing way, physically crowded him out in an elevator, and made menacing gestures. The supervisor stated that the alleged perpetrator was an average performer, somewhat of a loner, but there were no behavior problems that he was aware of until the employee came to him expressing his fear. He said that the employee who reported the situation said he did not want the supervisor to say anything to anyone, so the supervisor tried to observe the situation for a couple of days before making a report to HR but did not observe any of the behavior described.



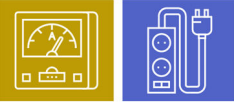
Scenario #6

- An employee called a member of executive management that a coworker was picking on her, and expressing fear that something serious might happen. For several weeks, she said, a coworker has been making statements such as, "You actually took credit for my work and you're spreading rumors that I'm no good. If you ever get credit for my work again, that will be the last time you take credit for anybody's work. I'll make sure of that." She also said that her computer files have been altered on several occasions and she suspects it's the same coworker. When she reported the situation to her supervisor, he tried to convince her that there was no real danger and that she's blowing things out of proportion. The employee then decided not to report it to anyone else.





Questions?



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