

Preparing For and Addressing Workplace Violence



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By **Alicia Sienne Voltmer** | **March 19, 2019** | **Texas Lawyer**

In mid-February in Aurora, Illinois, a 15-year employee, called into Human Resources at his employer's facility for a termination meeting, opened fire with a handgun, killing five employees, including the human resources manager, a human resources intern and the plant manager, as well as wounding five police officers. According to its most recent statistics, the United States Department of Labor's Bureau of Labor Statistics reports there were 458 workplace homicides in 2017, 351 of which involved shootings.

Workplace violence can occur in many forms, including active shooters, arson, criminal or gang violence, explosives, cyberattacks, and terrorism. Aside from the devastating human trauma, it can have far-reaching costs and consequences for employers, such as government agency citations, lawsuits, insurability issues, loss of consumer confidence, service disruptions, increased labor and health care costs, and negative publicity.

Understanding the types of workplace violence as identified by the Occupational Safety and Health Administration (OSHA) and the FBI can assist employers with crafting a customized and comprehensive approach to the issues of prevention and preparedness.

Types of Workplace Violence

Type 1 cases involve violent acts committed by criminals who have no connection to the workplace other than to enter and commit a crime. This type of violence is more likely to occur in occupations where

employees serve alcohol, work alone or in small groups, guard valuable property, work in isolated places or high-crime areas, work during late-night or early morning hours, or exchange money with the public.

Type 2 cases involve assaults on employees by a customer, client, patient, or anyone else receiving a service from the employer. Certain business segments, including law enforcement, security operations, and mental health providers have an inherently increased risk of conflict with potentially violent individuals. Other occupations are not immune to this type of violence, which can be largely unpredictable and triggered by incidents such as delays in, or arguments regarding, the quality or timing of service.

Type 3 cases involve violence perpetrated by individuals in the employer's workforce or those who have separated from that workforce regardless of the reason. Workplace violence in this category may be directed toward employees, supervisors, managers, contractors, suppliers, and even bystanders. According to FEMA, indicators of potential violence in the workplace can include verbal threats to other employees, a vindictive nature, a fascination with violence or weapons, the escalation of domestic problems into the workplace, displays of paranoia, empathy with individuals who commit violence, explosive outbursts of rage without provocation, and substance abuse.

Type 4 cases involve violence committed by a third-party who knows or has a personal relationship with an employee and is often related to domestic abuse and stalking. The FBI reports that when the violence comes from someone with a pre-existing relationship to the employee, there is a greater likelihood that some warning signs, such as observable behavior, will have reached the employer.

Workplace Violence Program Considerations

While an employer's specific program details may vary, the FBI recommends that employer programs, also referred to as emergency operations plans, address the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery.

The most effective prevention of workplace violence begins with cross-functional, team-based operational planning, and includes:

- identifying and forming a cross-functional collaborative team;
- understanding, assessing, and prioritizing threats and hazards;
- determining goals and objectives, which involves decisions related to the types of threats to be addressed in the employer's plan;
- developing a plan that identifies various courses of action that accomplish the goals and objectives;
- preparing, reviewing, and approving the plan; and
- implementing and maintaining the plan.

Protection focuses on the employer's ongoing actions to protect its employees from threats, and can be both internal and external. Internal protective measures might include the implementation of stricter applicant screening and hiring measures, and a review of staffing levels to prevent crowded facilities and long waiting periods.

External protective measures could include the implementation of security systems and measures to minimize access by outsiders, such as identification badges, keys, and electronic key cards. Depending on the employer's threat identification and goals, other external protective measures could include improved external lighting, video surveillance, the use of outside security guards, metal detectors, x-ray machines, turnstiles, bag search stations, and even bulletproof glass.

Regardless of the protective measures chosen, employers should implement mandatory training programs related to their emergency operations plan, employee expectations in active shooter scenarios, conflict de-escalation, and best practices for handling disgruntled employees, and require regularly scheduled practice drills.

Mitigation refers to the capabilities necessary to eliminate or reduce the loss of life by lessening the impact of a violent incident. Mitigation measures can include educational and coordination opportunities with local law enforcement agencies. Understanding a local SWAT team's response protocols could, for example, reduce the potential for employee fatalities during an active shooter incident.

Response refers to the capabilities required to stabilize an incident once it has occurred, establish a safe and secure environment, save lives, and facilitate the transition to recovery. Examples of response measures could include establishing protocols and policies for communicating with victims and their families regarding health resources and leave options, providing grief counseling, and the establishment of alternative work schedules or facilities.

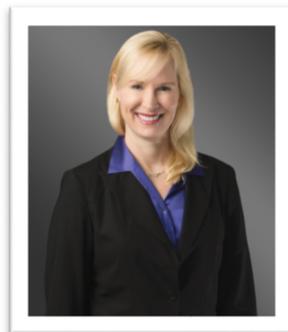
Finally, *Recovery* means the capabilities necessary to assist employers affected by workplace violence in restoring their environment and operations.

Nearly every office or venue is someone's place of employment, and long-gone are the days when an employer could say, "*It will never happen here.*" Using the foregoing foundational concepts, employers can more effectively assess and address their risks and establish and maintain useful and more effective emergency operations plans.

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