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WORKPLACE VIOLENCE

ISSUES IN RESPONSE

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The terrorist attacks that occurred in New York, Washington, D.C., and Pennsylvania on September 11, 2001, were a tragic reminder to the Nation of the threat posed by international terrorism. With the exception of the attack on the Pentagon, the targets chosen by the terrorists were not military in nature, but were

The FBI's National Center for the Analysis of Violent Crime (NCAVC), part of the Critical Incident Response Group (CIRG), located at the FBI Academy at Quantico, Virginia, consists of FBI Special Agents and professional support staff who provide operational support in the areas of crimes against children, crimes against adults, counterterrorism,

rative effort, consisting of representatives from law enforcement, private industry, government, law, labor, professional organizations, victim services, the military, aca

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I Intro uct on

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On August 20, 1986, a part-time letter carrier named Patrick H. Sherrill, facing possible dismissal after a troubled work history, walked into the Edmond, Oklahoma, post office, where he worked and shot 14 people to death before killing himself.

Though the most deadly, the Edmond tragedy was not the first episode of its kind in this period. In just the previous three years, four postal employees were killed by present or former coworkers in separate shootings in Johnston, South Carolina; Anniston, Alabama; and Atlanta, Georgia. The shock of the Edmond killings raised public awareness to the kind of incident now most commonly associated with the phrase "workplace violence"—murder or other violent acts by a disturbed, aggrieved employee or ex-employee against coworkers or supervisors. An early appearance of the phrase itself in Nexis, a database of articles in many major U.S. newspapers, was in August 1989, in a _o An_ account of yet another post office shooting.*

As a result of this seemingly new trend, mass murders in the workplace by unstable employees have become media-intensive events. In fact, the apparent rise in such cases may have been an impression created by this increased media attention. Still, the frequency of episodes following the Edmond post office killings was startling. In Southern California alone, one summary showed, over an eight-year span from mid-1989 to mid-1997, there were 15 workplace homicide incidents, six with multiple victims, that killed 29 people.** In subsequent years, major workplace crimes across the country inclx9in

Workplace violence is now recognized as a specific category of violent crime that calls for distinct responses from employers, law enforcement, and the community. This recognition is relatively recent. Prior to the Edmond shootings, the few research and preventive efforts that existed were focused on particular issues—patient assaults on health care workers and the high robbery and murder risks facing taxi drivers and late-night convenience store clerks.

However, contrary to popular opinion, sensational multiple homicides represent a very *small* number of workplace violence incidents. The majority of incidents that employees/managers have to deal with on a daily basis are lesser cases of assaults, domestic violence, stalking, threats, harassment (to include sexual harassment), and physical and/or emotional abuse that make no headlines. Many of these incidents, in fact, are not even

As the attention to the issue has grown, occupational safety specialists and other analysts have broadly agreed that responding to workplace violence requires attention to more than just an actual physical attack. Homicide and other physical assaults are on

Type 2 cases typically involve assaults on an employee by a customer, patient, or someone else receiving a service. In general, the violent acts occur as workers are performing their normal tasks. In some occupations, dealing with dangerous people is inherent in the job, as in the case of a police officer, correctional officer, security guard, or mental

Like all violent crime, workplace violence creates ripples that go beyond what is done to a particular victim. It damages trust, community, and the sense of security every worker has a right to feel while on the job. In that sense, everyone loses when a violent act takes place, and everyone has a stake in efforts to stop violence from happening.

The success of that effort will depend on the concern and actions of a number of constituents:

Employers have a legal and ethical obligation to promote a work environment free from threats and violence and, in addition, can face economic loss as the result of violence in the form of lost work time, damaged employee morale and productivity, increased workers' compensation payments, medical expenses, and possible lawsuits and liability costs. As more fully discussed in the sections below, employers' important roles in violence prevention can include:

- Adopting a workplace violence policy and prevention program and communicating the policy and program to employees.

- Providing regular training in preventive measures for all new/current employees, supervisors, and managers.

- Supporting, not punishing, victims of workplace or domestic violence.

- Adopting and practicing fair and consistent disciplinary procedures.

- Fostering a climate of trust and respect among workers and between employees and management.

- When necessary, seeking advice and assistance from outside resources, including threat-assessment psychologists, psychiatrists and other professionals, social service agencies, and law enforcement.

Employees have the right to expect a work environment that promotes safety from violence, threats, and harassment. They can actively contribute to preventive practices by doing the following:

- Accept and adhere to an employer's pionals, socian em and practices.

- Become awaionf and report violent or threatening behavior by coworkers or o ther waioing signs.

- Follow proceduionstablished by the workplace violence prevention program, including those for reporting incidents.

Law enforcement agencies, over the last several years, have been leading the way in how they and the rest of the criminal justice system respond to domestic and school violence. Those changes have placed greater emphasis on prevention and responding to threats and minor incidents, rather than the traditional view that police become

involved only after a crime has occurred, that serious effort and police resources should be reserved for serious offenses. This proactive approach, utilizing community policing concepts, can be applied to workplace situations as well. This approach can include:

- Outreach to employers, especially to smaller employers that do not have the resources to maintain their own security staff.

- Establishing contact and regular consultation with mental health and social service providers.

- Setting up a system for assisting employers in background checks, workplace site reviews, evacuation plans, etc.

- Assisting employers in developing prevention programs and assuring that threats or less serious incidents will be responded to.

- Training officers in threat assessment and, if a department's resources permit, establishing a specialized threat assessment unit.

- Training officers in relevant laws (e.g. harassment and stalking) and response procedures for workplace problems.

Unions should regard workplace safety, including safety from violence, as an employee's right, just as worthy of union defense as wages or any other contractual right. A responsible union will include these among its obligations to its members:

- Support for employers' violence prevention policies and practices.

- Being a partner in designing and carrying out violence prevention programs.

- Defending workers' rights to due process, but also supporting appropriate disciplinary actions that protect everyone's safety (e.g. sanctions for bringing a weapon to the workplace).

- Cooperating with and contributing to training efforts.

Occupational safety and criminal justice agencies at the state and federal level can play an obvious and important role in meeting the workplace violence challenge. Their contributions can include efforts to:

- Improve monitoring and refine methods of calculating the incidence and costs of

Where Do We Go from Here

II Relevant Governance and Strategic Issues
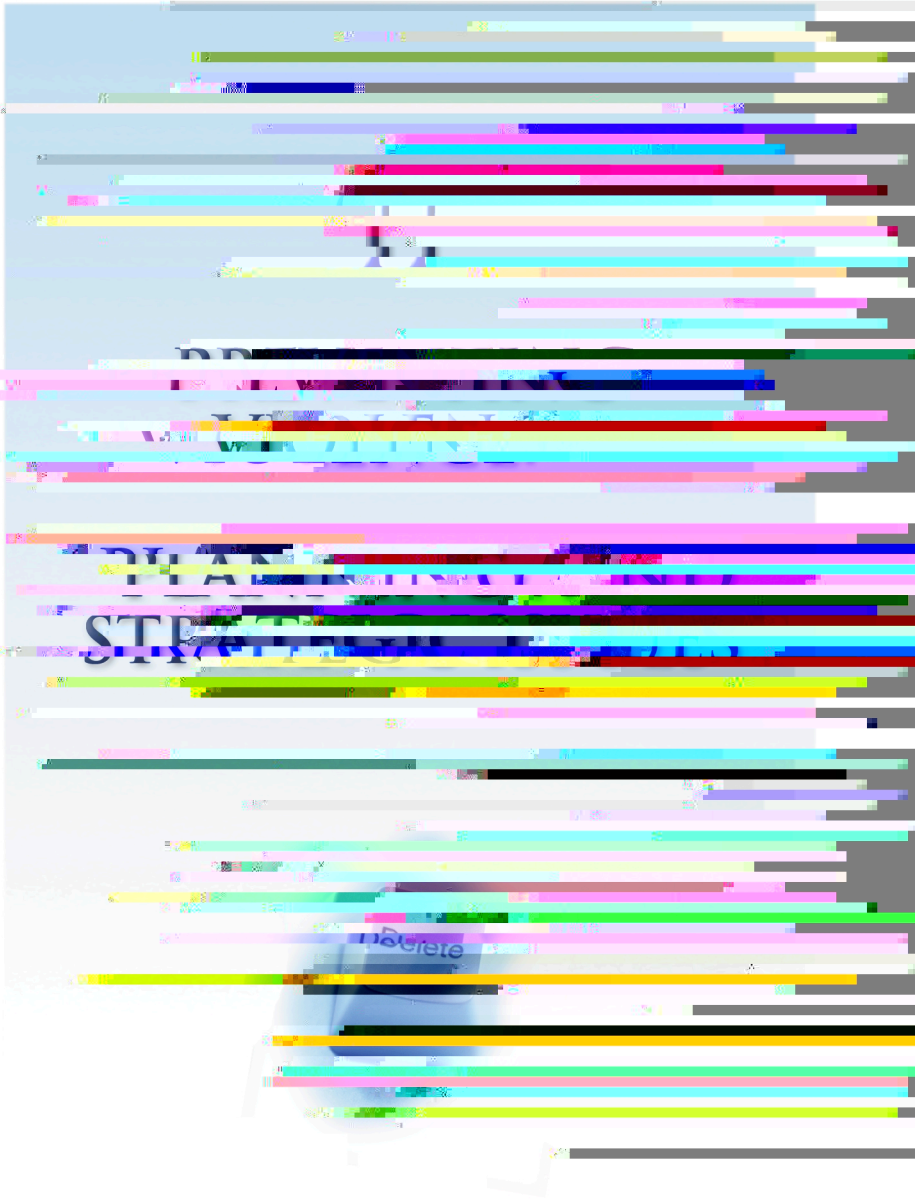
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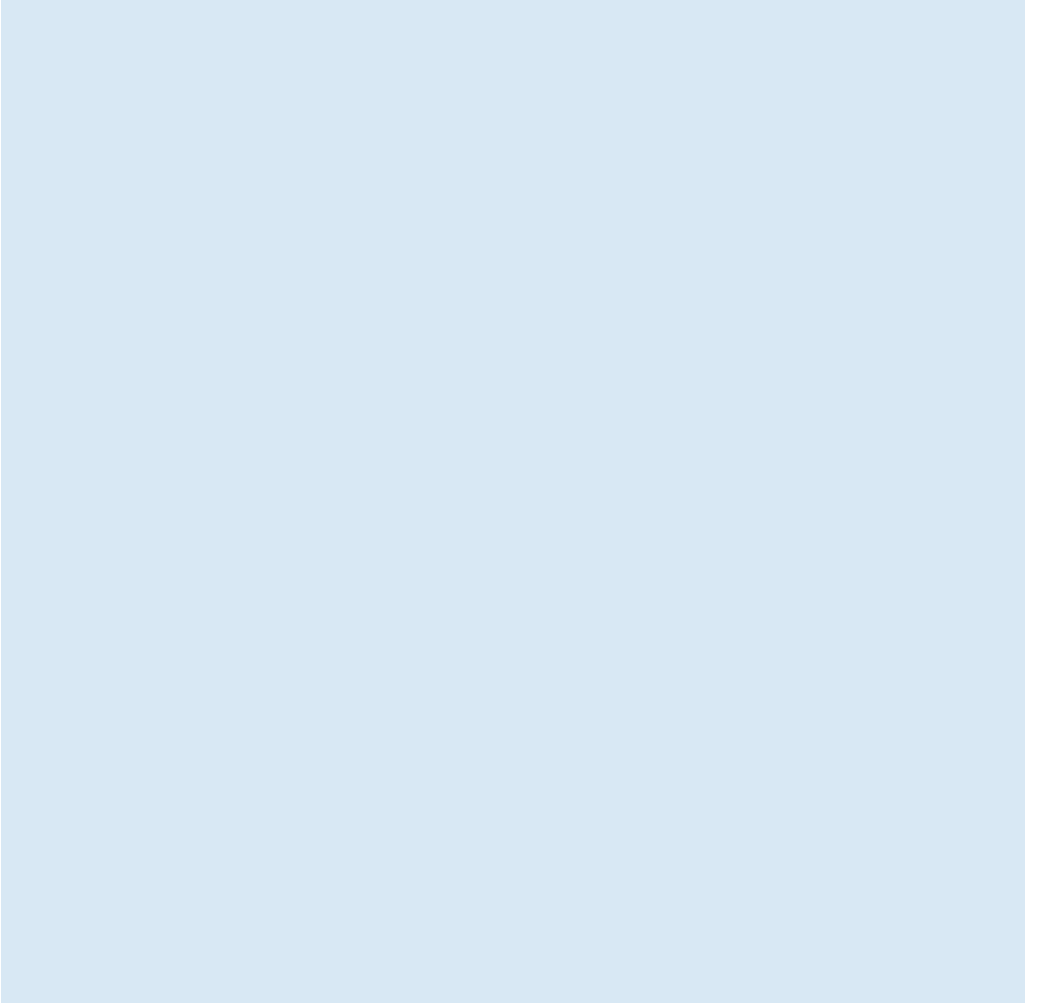
• Reevaluate, rethink, and revise. Policies and practices should not be set in concrete.

filled, the policies and resources of the prospective employer, and possibly differing legal requirements in different states. However, as an applicant is examined, the following can raise red flags:

- A history of drug or alcohol abuse.

- Past conflicts (especially if violence was involved) with coworkers.

- Past convictions for violent crimes.

Other red flags can include a defensive, hostile attitude; a history of frequent job changes; and a tendency to blame others for problems.

Identifying Problem Situations and Risk Factors of Current Employees

Problem situations—circumstances that may heighten the risk of violence—can involve a particular event or employee, or the workplace as a whole.

No "profile" or litmus test exists to indicate whether an employee might become violent. Instead, it is important for employers and employees alike to remain alert to problematic behavior that, in combination, could point to possible violence. No one behavior in and of itself suggests a greater potential for violence, but all must be looked at in totality.

Risk factors at times associated with potential violence include personality conflicts (between coworkers or between worker and supervisor); a mishandled termination or other disciplinary action; bringing weapons onto a work site; drug or alcohol use on the job; or a grudge over a real or imagined grievance. Risks can also stem from an employee's personal circumstances—breakup of a marriage or romantic relationship; other family conflicts; financial or legal problems; or emotional disturbance.

Other problematic behavior also can include, but is not limited to:

- Increasing belligerence

- Ominous, specific threats

- Hypersensitivity to criticism

- Recent acquisition/fascination with weapons

- Apparent obsession with a supervisor or coworker or employee grievance.

- Preoccupation with violent themes

- Interest in recently publicized violent events

- Outbursts of anger

What Constitutes a Threat

Webster's Dictionary defines a threat as "a statement or expression of intention to hurt, destroy, punish, etc., as in retaliation or intimidation." That's clear enough, as far as it goes, but it leaves open a question that legal authorities or employers have to answer in framing and carrying out a policy on threats: who determines when an intention to hurt has been expressed?

A purely subjective determination—whatever makes someone feel threatened is a threat— is an uncertain guide for behavior, since different people can respond differently to the same words or acts. Employees who are required to observe "no" threat rules have a right to a reasonably clear statement of what will be considered threatening behavior. That does not mean that subjective factors can or should be completely excluded from the definition, however. Employees can and should be held responsible for a reasonable regard for the feelings and concerns of coworkers and others in the workplace, and employers properly have an obligation to make sure employees do not feel frightened or intimidated.

For these reasons, a workplace violence prevention program addressing threats needs to include both a subjective and objective component. It must set reasonably explicit standards of behavior so employees know how they are expected to act or not act; it must also make clear to employees that no one has a right to make anyone else feel threatened.

The definition of a threat for workplace conduct standards need not be the same as the definition of a threat as a criminal offense.

A sample definition could be "an inappropriate behavior, verbal or nonverbal communication, or expression that would lead to the reasonable belief that an act has occurred or may occur which may lead to physical and/or psychological harm to the threatener, to others, or to property." Alternative: "Any verbal or physical conduct that threatens property or personal safety or that reasonably could be interpreted as an intent to cause harm."-55.lTJ -0.001 Tc -

To the extent that employees feel comfortable in reporting incidents to their immediate supervisors, the information may come through the normal management channels. However, having additional reporting channels can facilitate reporting where an employee finds it difficult to report through a supervisor. Whatever reporting system is adopted, publicizing it on bulletin boards, employee newsletters, and notices distributed with paychecks, or other means, will help ensure that all workers know how to report any behavior they consider troubling.
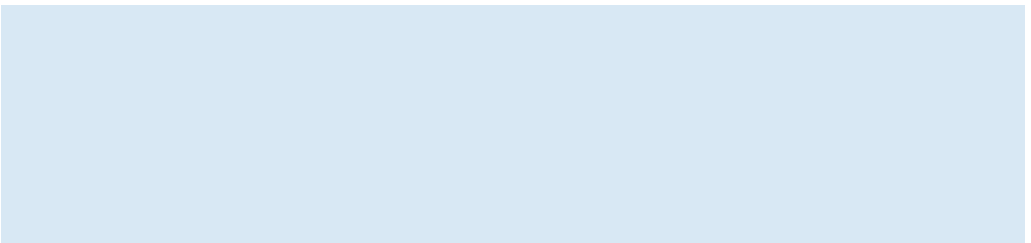
- The threatener's background, including work history, criminal record, mental health history, military history, and past behavior on the job.

Threat Assessment and Incident Response Teams

An employer's workplace violence prevention program should designate the personnel

- Risk factors and that can cause or contribute to threats and violence.

- Early recognition of warning signs of problematic behavior.

- Where appropriate, ways of preventing or defusing volatile situations or aggressive behavior.

- Information on cultural diversity to develop sensitivity to racial and ethnic issues and differences.

- A standard response action plan for violent situations, including availability of assistance, response to alarm systems, and communication procedures.

- The location and operation of safety devices such as alarm systems, along with the required maintenance schedules and procedures.

- Ways to protect oneself and coworkers, including use of a "buddy system."

- Policies and procedures for reporting and record-keeping.

- Policies and procedures for obtaining medical care, counseling, workers' compensation, or legal assistance after a violent episode or injury.

Eva uat on

An evaluation program should involve the following:

- Establishing a uniform reporting system for incidents of harassment, bullying, threats and other inappropriate behavior and regular review of reports.

- Measuring the frequency and severity of workplace violence in order to determine if prevention programs are having an effect.

- Analyzing trends and rates in violence-related injuries, lost work time, etc.

- Surveying employees before and after making job or work site changes or installing security measures or new systems to determine their effectiveness.

- Keeping abreast of new strategies for dealing with workplace violence as they develop.

Any changes in the program should be discussed at regular meetings of the safety committee, union representatives, or other employee groups.

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*This section is adapted from   *A   n or r   n n   or p o n   or*
C r n o   r   or r   -

Disciplinary Philosophy and Procedures

Disciplining an employee for abusive, threatening, or violent behavior serves two purposes. For the abusive or violent employee, the disciplinary action should serve as an appropriate penalty for past conduct and a deterrent against future offenses. For the rest of the work force, it should serve to reaffirm the employer's commitment to a workplace free from threats and violence and reinforce employees' confidence that their safety is protected by strong but fair measures.

To achieve those goals, penalties and the disciplinary process must be—and must be seen to be—proportionate, consistent, reasonable, and fair. Erratic or arbitrary discipline, favoritism, and a lack of respect for employees' dignity and rights are likely to undermine, not support, an employer's violence prevention efforts. Workers who perceive an employer's practices as unfair or unreasonable will nurse grievances; and not report them with the expectation of a fair hearing and settlement. Grudges at unfair treatment will fester and may even erupt into further troublesome behavior.

Fairness in discipline begins with fairly and clearly spelling out what the rules are. Policies on workplace conduct should be written to clearly state the employer's standards and expectations. Penalties should be proportionate to the offense.
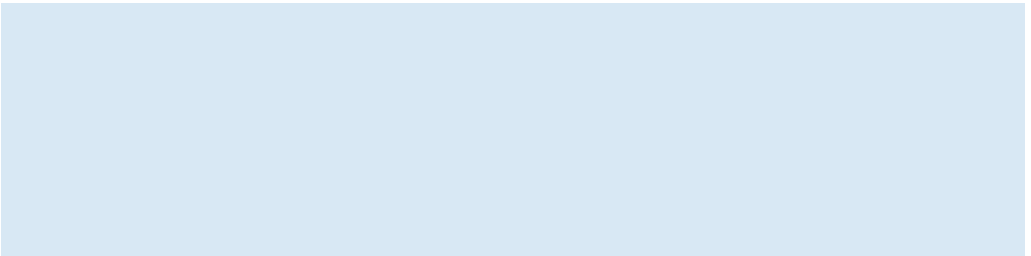
If there is a complaint or incident, the incident response team will conduct or ensure a thorough investigation of the facts and based on the results, will consider and determine appropriate disciplinary measures.

The Zero Tolerance Question

When it began appearing in the language three decades ago, the phrase "zero tolerance" customarily referred to a standard, rather than a penalty. Zero tolerance on drugs meant that the standard of conduct would be no drug use. Zero tolerance on harmful substances in food or water supplies meant that no amount of a particular toxic chemical or infectious agent would be considered safe.

Over the last decade, zero tolerance has taken on a different meaning: the ap

Whether to use the phrase "zero tolerance" in its written workplace violence policy or find a different expression is a decision each employer will have to make. Whatever phrase is used, it should be made clear that the intent is to set a standard of conduct, not a system of penalties. Instead of warning of "automatic termination," discipline policies should declare that violent workplace behavior will lead to penalties "up to and includ-

workplace. In some cases, this has been precipitated by a verbal or written threat made in the workplace, at other times it is predicated by unusual or strange behavior and/or comments made to coworkers.
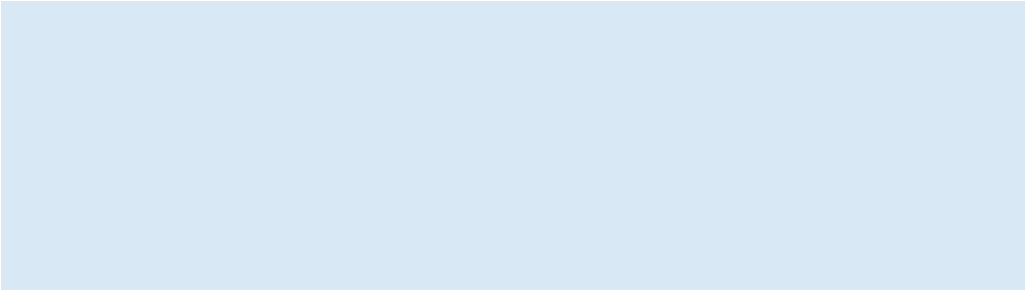
If a communicated threat, verbal, typewritten, e-mailed, or otherwise, is present, an analysis of the verbiage is conducted to determine credibility and viability of the threat.
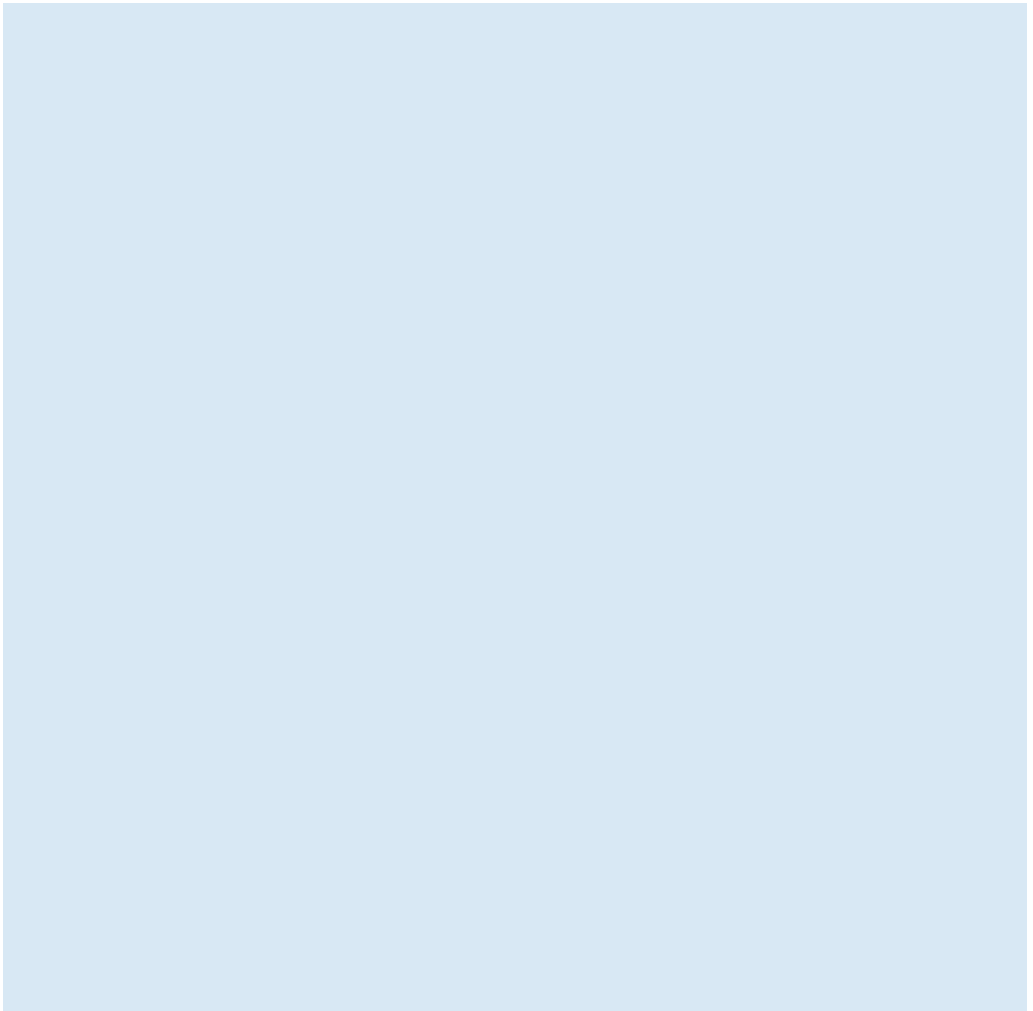
- Is there evidence of substance abuse or mental illness/depression?

- Has the he shown an interest in violence through movies, games, books, or magazines?

Stan. Just wanted to say Happy Thanksgiving. And, you give this message to Yvonne. Tell her if she had been off the property the day she hollered at me, I would have beat her m_____ f_____ ass. Bye Darlene." He was diagnosed with delusional disorder, paranoid type. This information was also provided to law enforcement during the investigation.

His retirement papers contained disturbing comments. For example, recalling a meeting with a Human Resources staff member, he said: "I started to grab her by the throat and choke her, until the top part of her head popped off. Then I was going to step on her throat and pluck her bozo hairdo bald. Strand by strand...."

Some months later, the subject told a former coworker that he was following a former supervisor and her family. He provided specific information, stating that he knew where some of the targets lived and the types and colors of vehicles they drove. The subject also made comments about the target's family members and stated that he had three guns for each of his former supervisors.

At this point, law enforcement was notified. While the police investigation was under way, the subject made threats against five former female coworkers. A threat assessment was conducted analyzing letters, voice mails, reports from EAP, and interviews with various individuals. The subject's communications were organized and contained specific threats. For example, he wrote "Don't let the passage of time fool you, all is not forgotten or forgiven," and "I will in my own time strike again, and it will be unmerciful." The

- Denial of problem

- Lack of communication with key parties

- Lack of collaboration

- Ignoring respect

- Lack of clear written policy

- Lack of careful evaluation of job applicants

- No documentation

- Lack of awareness of cultural/diversity issues

- Passing around "bad apples"

- Lack of an organization-wide commitment to safety

LAW
ENFORCEMENT
OFFICERS
RULE
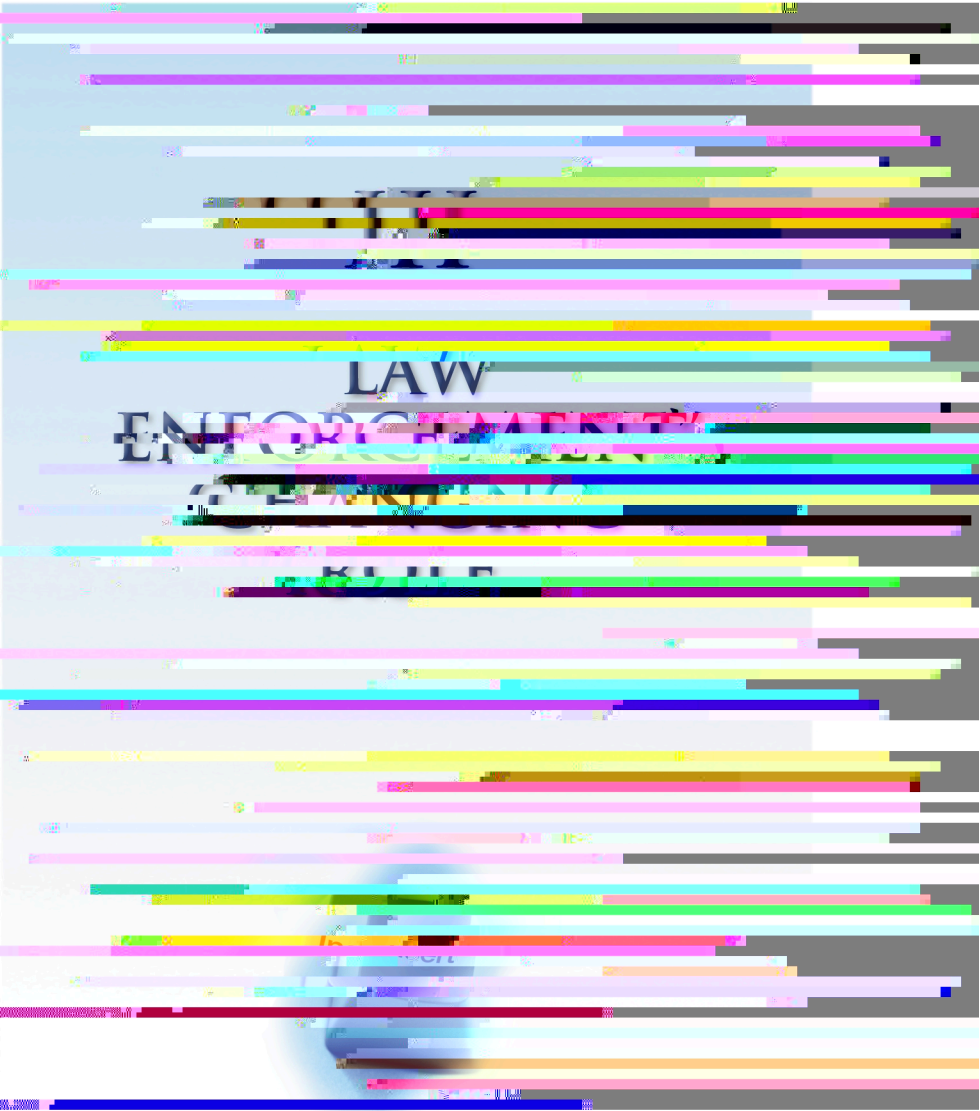
III   Law Enforcements Clan n o

Following the attacks on the World Trade Center and the Pentagon on September 11,

"Ten to fifteen years ago, the perception among police, businesses, and the public was that domestic violence was private. Thus, incidents of minor abuse went unreported. By the time the police got involved, it was often too late to prevent serious harm or death.

Over time, attitudes about domestic violence changed. Local police are now regularly provided domestic violence training. Ongoing partnerships with women's advocacy groups have raised awareness and incident reporting. Today, most police departments also have someone assigned to the issue of domestic violence who is charged with the follow-up of court-issued abuse prevention orders."

"Workplace violence," Doherty continued, "..is today where domestic violence was a decade ago...the more common but less dramatic lower-level incidents, such as threats and aggravated assaults, are still not viewed as an opportunity for early intervention. Companies tend to treat these situations internally—just as domestic violence was once treated as private. According to the Bureau of Justice Statistics, less than half (only 44.2 percent) of violent victimizations sustained at work are reported to the police. Similarly, I find some police chiefs reluctant to take on the issue. When I suggest that there be an officer assigned to workplace violence, they say, 'We have enough work to do.' This failure of businesses to report lower-level incidents and the reluctance of police to aggressively tackle the issue only empowers the perpetrators and diminished the victims. Ultimately, these unreported smaller incidents are precursors to larger acts of violence. If you don't deal with the simple assault, you may eventually have to deal with homicide.*"

On the day after Christmas 2000, Doherty's city was the scene of a deadly rampage by an employee at a local software company, Edgewater Technology. Michael McDermott, angry that the company planned to withhold part of his salary to pay back-taxes, came to work with an AK-47 assault rifle, a shotgun, and a semiautomatic pistol and killed seven coworkers. At his trial, McDermott unsuccessfully pleaded insanity. Accepting

- Training for police on workplace violence issues and responses.

- An outreach and awareness effort by police agencies directed at employers in their jurisdictions, encouraging them to work with police in preparing violence prevention plans and informing them that advice and assistance are available.

- Compiling and establishing contact with a list of other public and private agencies (training, mental health, social service, etc.) that may help in violence prevention planning or incident response.

- Initial meetings with individual employers providing them with:

  — contact information.

  — basic knowledge of relevant legal issues.

  — procedures for reporting threats or violent incidents.

- Establishing guidelines for exchange of information between police and employers (for example, if an employer seeks background information on a job applicant or present employee).

- Developing procedures for particular risk situations such as layoff announcements for termination of a potentially dangerous employee.

- Site reviews, in order to suggest safety improvements and develop plans for early response.

In violence-prevention planning, threat assessment, and other preventive efforts, collaboration among law enforcement officers, employers' rof invv64-56(ve)-56(in)-56-56lence6(va)-5

be concerned about potential civil liability questions, confidentiality issues, or disclosing proprietary information to police. Similarly, police may have information that they cannot legally share with employers or private security agencies, such as criminal records, firearm ownership, and past reports of violent behavior.

None of these concerns need hinder appropriate cooperation, but where they exist it is far better for all sides to recognize and clarify them as part of the violence-prevention planning process, rather than leave them unspoken and unresolved until a conflict arises.

The most important caution, perhaps, is to develop prevention strategies without creating or nourishing unrealistic expectations. No prevention effort is perfect. Not all bad things can be prevented. A violent incident that occurs despite prevention efforts should always be reviewed for whatever lessons can be learned on improving preparedness, not for the purpose of finding and criticizing someone for failing to keep it from happening.

SIDEBAR: A CASE STUDY OF POLICE EMPLOYER COOPERATION

The local office of a Fortune 500 company initially contacted the Wakefield, Massachusetts, police department when it was experiencing a rash of thefts, both of cars from the company parking lot and of laptop computers and other equipment inside the building. Increased police coverage, including patrols in the parking area and stationing an officer periodically in the company offices, materially reduced the number of thefts.

Subsequently, the company contacted police for advice and assistance when it was planning a large layoff. Several weeks before layoff notices were to be issued, police officers went to the site and met with company officials to help plan for the event. As part of the preparation, management gave police the names of all employees who were due to be laid off.

At the request of the police, managers also identified the ten who they thought were most likely to go off the handle when they were notified. "The police ran record and warrant checks on those ten people, and checked if any had firearms permits," recalled Police Chief Stephen Doherty. This was information that couldn't be given to the employer, but Doherty noted that collecting the information served "the legitimate police purpose of preventing violence." Four of the ten became a concern to the police based on the information collected.

On the day of the layoffs, the four possible problem workers were the first to be notified, while it was announced to all employees that police in plain clothes (five officers) were on the site and would remain for several weeks. The terminations were carried out with no dangerous or disruptive incidents.

Subsequently, police used the same procedure in assisting another local employer that was conducting layoffs.

[Source: Stephen Doherty, "How Can Workplace Violence Be Deterred?" *The Police Chief*, April 2002].

DOMESTIC VIOLENCE AND STALKING IN THE WORKPLACE
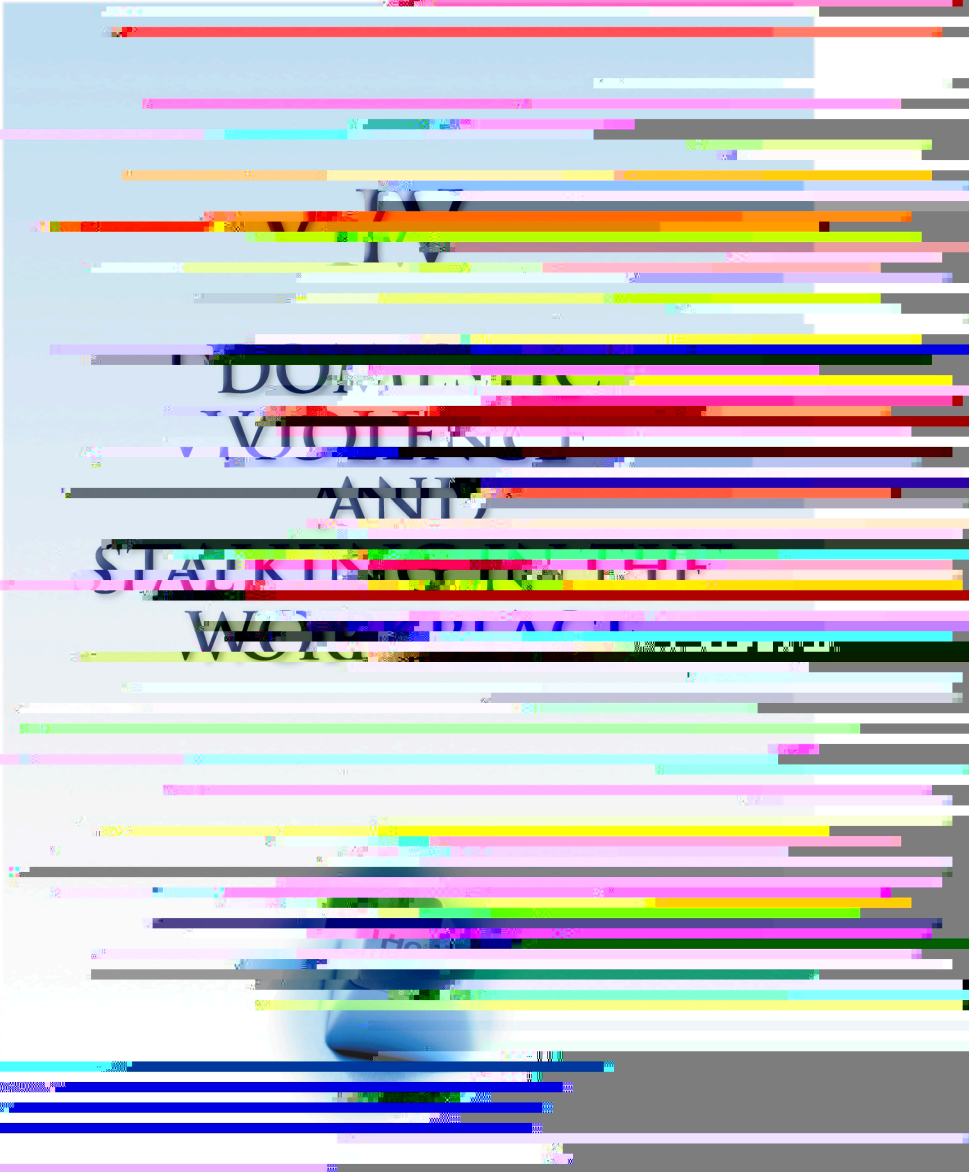
According to one study, five percent of workplace homicides (that is, about one-third of homicides not associated with a robbery or other "stranger" crime) fall into this category.*

Homicides, of course, represent a tiny fraction of workplace incidents related to domestic violence. Far more frequent are cases of stalking, threats, and harassment. Often those acts are criminal offenses in their own right; however, even when harassment may

Table. Common Observable Behaviors that Suggest Possible Victimization*

- Tardiness or unexplained absences

- Frequent-and often unplanned-use of leave time

- Anxiety

- Lack of concentration

- Change in job performance

- A tendency to remain isolated from coworkers or reluctance to participate in social events

- Discomfort when communicating with others

- Disruptive phone calls or e-mail

- Sudden or unexplained requests to be moved from public locations in the workplace, such as sales or reception areas

- Frequent financial problems indicating lack of access to money

- Unexplained bruises or injuries

- Noticeable change in use of makeup (to cover up injuries)

- Inappropriate clothes (e.g., sunglasses worn inside the building, turtleneck worn in the summer)

- Disruptive visits from current or former intimate partner

- Sudden changes of address or reluctance to divulge where she is staying

- Acting uncharacteristically moody, depressed, or distracted

- In the process of ending an intimate relationship; breakup seems to cause the employee undue anxiety

- Court appearances

- Being the victim of vandalism or threats

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* American Bar Association Commission on Domestic Violence; *A   or E p o Do   o n n   or p * (Washington, D.C.: 1999) p. 16.

likelihood of violence and determine the best means of intervention. In almost all cases, employers should advise police of the circumstances, risk of violence, and possible criminal violations (of harassment or stalking laws, for instance) and involve law enforcement professionals in assessing and managing the threat. During and after the assessment, sse4on4—froecurity, huean r4sources, or a sup4rvisor—should be r4sponsible for keeping in close touch with the abuse victim, not only to help protect his/her safety and meet any n4eds that arise, but alss to make sur4 of r4ceiving any relevant information about the abuser (whoehe victim, presumably, will know bette

LEGAL ISSUES

Legal Issues

To some extent, the law puts conflicting pressures on employers and others concerned with preventing or mitigating workplace violence. On the one hand, businesses are under a variety of legal obligations to safeguard their employees' well-being and security. Occupational safety laws impose a general requirement to maintain a safe workplace, which embraces safety from violence. For example, the "General Duty Clause" of the Occupational Safety and Health Act requires employers to have a workplace that is

Legal considerations also inhibit the exchange of information among employers. In some cases where a company has negotiated the termination of an employee who it felt was dangerous, the settlement includes a confidentiality clause barring the company from disclosing the employee's condut to anyone else—including to another company that may be considering the person for employment. (At times the settlement may even require purging all reports of misconduct from the company's own records.) Even where there is no confidentiality agreement, concern over liability for defamation or privacy infringement can make employers hesitant to warn others about a possibly dangerous past or present employee.

In reality, damaging but truthful information can often be disclosed without significant legal risk. But in today's litigious climate, executives and legal advisers too often tend to conclude that saying nothing is the safest course. As a result, human resources officials frequently resort to a kind of coded communication to alert a prospective employer of potential problems. Some companies ask terminated employees to sign a waiver allowing the release of information to a new or prospective employer. If the employee refuses to sign, disclosing the refusal to the new employer can also serve as a warning sign. Or the message may be sent by a no-comment response: "We are not at liberty to say anything about that person at this time."

These oblique, wink-and-nod warnings no doubt help companies avoid hiring some problem applicants. But coded messages are a poor substitute for solid, clear, factual information when an employee or applicant may be a danger to coworkers. Overwhelmingly, NCAVC's Symposium participants supported reexamining legal restraints and seeking more rational rules that will better serve to protect all employees from workplace violence. Among the possibilities discussed were:

- Standardizing guidelines so that employers will know when and how they can warn others about an employee's record of threats or violence.

- Modifying the restrictions on law enforcement agencies so they can release relevant criminal record information when someone appears to pose a significant danger to fellow workers.

- Considering ways to give companies carefully drawn exemption from liability for disclosing damaging information if it is accurate and disclosed in a good-faith effort to help protect other employees' safety.

- Reassessing confidentiality requirements for medical and mental health histories and determining when warnings of potential violent conduct may be appropriate.

- Clarifying guidelines for when and how a dangerous or potentially dangerous employee can be required to undergo mental health evaluation, counseling, or treatment.

Meanwhile, within existing legal boundaries, awareness and education programs can help executives, managers, human resources officials, and legal advisers understand what is permissible, and when and how they can share information that may help avoid a violent incident. Similarly, employees can be trained in formulating antiviolence policies and disciplinary procedures that will meet due process standards while effectively protecting workplace safety.

The Biggest Challenge

More than 20 million Americans, nearly one in every five in the non-government U.S. labor force, work for firms that have fewer than 20 employees. Firms with payrolls between 20 and 100 employ almost another 20 million U.S. workers. Small businesses account for the vast majority of employers. Among the nation's 5.6 million private employers, almost four-fifths have between one and nine employees.*

While small employers cover the full range of income and occupations, they are also the typical employers of the lowest-paid, lowest-status workers, including immigrants and members of ethnic minorities. (Small Business Administration statistics indicate that annual pay in businesses with fewer than 20 workers is almost 25 percent less than in firms employing 500 or more.) Minority employers represent a large majority in the small-business category.

Employees working in lower-paying jobs for small employers face no less risk of violence on the job than any other group of workers. For many reasons, however, they are almost certainly the least likely to get protection from violence-prevention efforts. Consequently, reaching those employers and employees and finding ways to extend antiviolence programs into their workplaces may be the most challenging task facing any national effort to reduce workplace violence.

The hurdles to violence prevention in small businesses are numerous and high. With very few exceptions, small employers will not have their own security force, training capability, employee assistance program, medical service, legal advisers, or human resources department. They will ordinarily have less capacity than big companies to screen job applicants and are less likely to have formal policies or procedures for employees to report threats or violence. They are similarly less likely to have an established, continuing relationship with law enforcement or social service agencies.

Small business owners and managers typically lack specialized knowledge or skills in legal and human resources issues related to workplace violence and may not be aware of resources available to help deal with a troubled or potentially violent worker, threats, stalking, or domestic abuse affecting an employee or other violence-related problems. This may be even more true when the employee, the work force, or both are fro

tic violence. In similar fashion, if a national constituency evolves with the aim of expanding knowledge and public concern about workplace violence, that almost certainly represents the best avenue to extend preventive efforts to those employers and employees with the fewest resources of their own.

A SPECIAL CASE

VIOLENCE AGAINST MIGRANT HEALTHCARE WORKERS
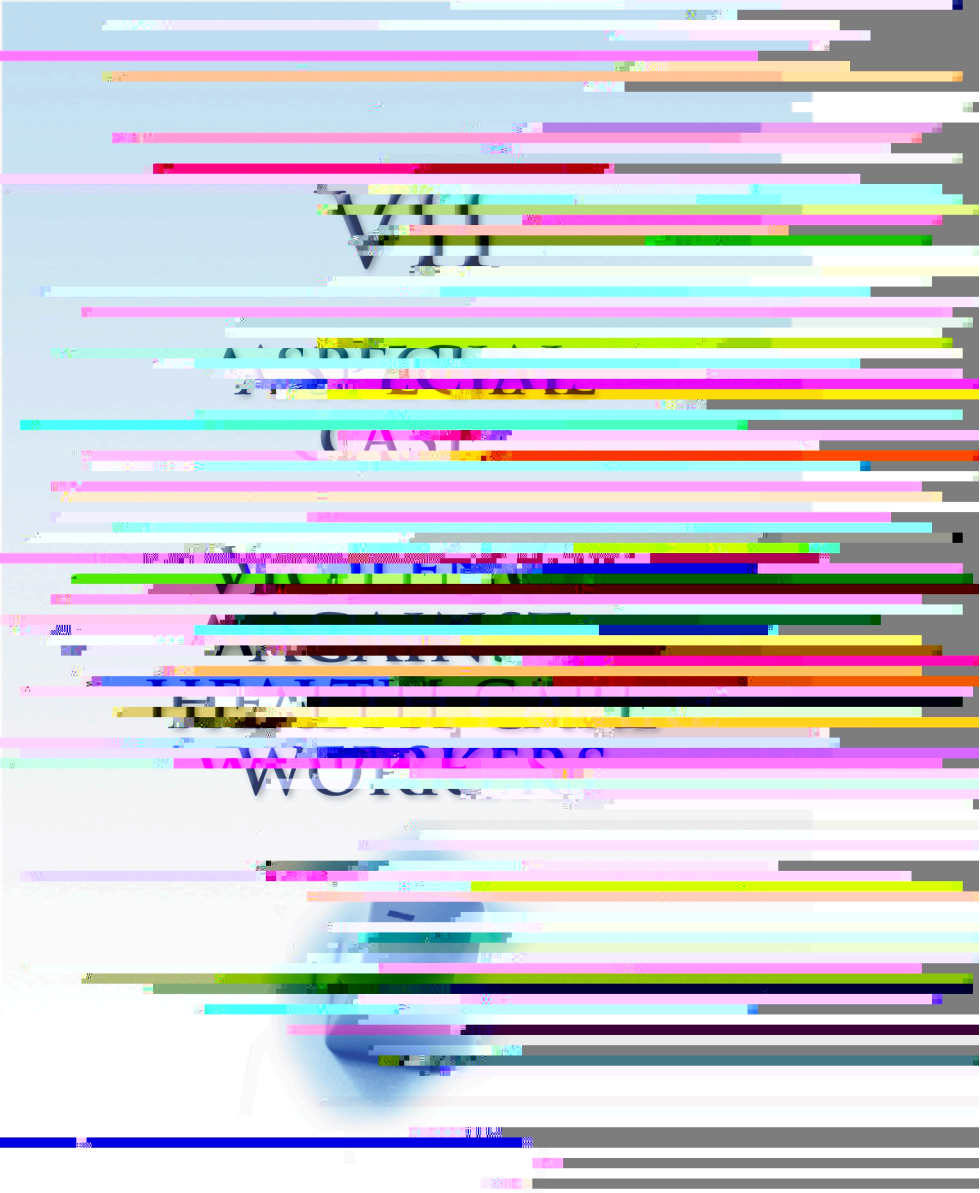
II A Special Case: Violence Against Health Care Workers

"More assaults occur in the health care and social services industries than in any other," the Occupational Safety and Health Administration reported in 1998. The same report went on to say:

"Of greater concern is the likely under-reporting of violence and a persistent perception within the health care industry that assaults are part of the job. Under-reporting may reflect a lack of institutional reporting policies6(a)-503(A)-111(Spe),-111(n)-55503(A)y
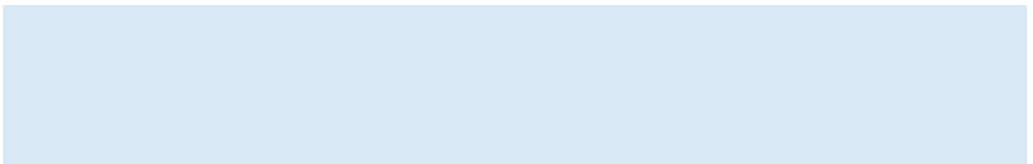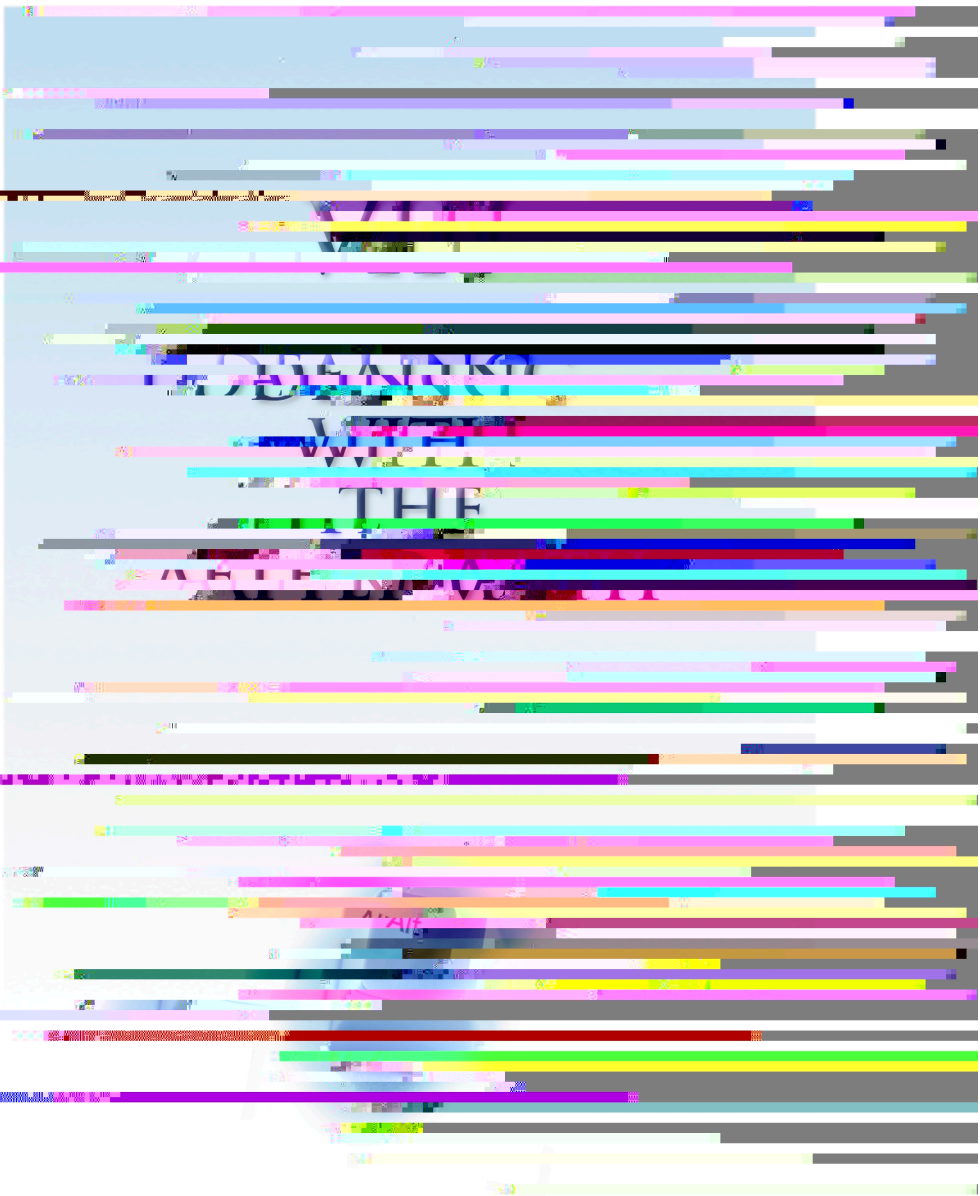
- The increasing number of acute and chronically mentally ill patients being released from hospitals without follow-up care, who now have the right to refuse medicine, and who can no longer be hospitalized involuntarily unless they pose an immediate threat to themselves or others.

- The availability of drugs or money at hospitals, clinics, and pharmacies.

- Factors such as unrestricted movement of the public in clinics and hospitals; the presence of gang members, drug or alcohol abusers, trauma patients, or distraught family members and long waits in emergency or clinic areas, leading to frustration among patients and accompanying relatives or friends.

- Lack of training of staff in recognizing and managing escalating hostile and assaultive behavior.

Recommendations for reducing violence include:

- Adopting a written violence-prevention program, communicating it to all employees, and designating a "Patient Assault Team," task force or coordinator to implement it.

- Advising all patients and visitors that violence, verbal and nonverbal threats, and related behavior will not be tolerated.

- Setting up a trained response team to respond to emergencies.

- Encouraging employees to promptly report incidents and to suggest ways to reduce or eliminate risks.

- Reviewing workplace layout to find existing or potential hazards; installing and maintaining alarm systems and other security devices such as panic buttons, hand-held alarms or noise devices, cellular phones, and private channel radios where risk is apparent or may be anticipated; and arranging for a reliable response system when an alarm is triggered.

- Using metal detectors to screen patients and visitors for guns, knives, or other weapons.

- Controlling access to facilities other than waiting rooms, particularly drug-storage or pharmacy areas.

- Providing medical and psychological counseling and debriefing for employees experiencing or witnessing assaults and other violent incidents.*

VII. Dealing with the Aftermath

The effects of violence do not disappear after the violent act is over, and the harm is not only to the person directly attacked. A workplace violence prevention program should take into account that other employees, not just the victim, are affected and will need healing after a violent event—and that healing may come more easily if psychological support is part of an employer's crisis response from the beginning.

Emotional distress as reported at the NCAVC Violence in the Workplace Symposium "is potentially contagious, self-sustaining, and self-amplifying." Early intervention can slow or prevent the contagion. In the immediate aftermath of a crime, disaster, or other troubling incident, emergency psychological service can offer victims and their coworkers comfort, information, support, and help with practical needs. It can also spot those who appear most troubled by the event and may need more intensive psychological attention in the future.

As was pointed out by presenters at the NCAVC Symposium, information is crucial in controlling emotional distress during a crisis. When people don't know what is happening, they feel helpless and when there is no solid news, rumors—often frightening ones—will fill the gap. Crisis managers need reliable information to make decisions. It is just as important for managers to share the information with the rest of the workplace community as rapidly and honestly as possible, so that false reports and irrational fears do not spread and make the crisis worse.

As with all other aspects of emergency management, timely psychological support will be more effective if it has been prepared and practiced as part of an employer's workplace violence prevention plan. Planning cannot anticipate every circumstance, but a plan should identify those inside or outside a company who will direct and carry out the psychological support effort in a crisis. It should establish lines of communication and lay out alternative means of assembling employees as soon as possible once they are out of physical danger, for preliminary "debriefing" individually, in small groups, or in a large group.

Long-term psychological support may also be needed by victims and their coworkers after a serious episode of violence. The following passage comes from the U.S. Occupational Safety and Health Administration's guidelines for health and social service workers, but is applicable to employees in all occupations:

"All workplace violence programs should provide comprehensive treatment for victimized employees and employees who may be traumatized by witnessing a workplace violence incident. Injured staff should receive prompt treatment and psychological evaluation whenever an assault takes place, regardless of severity.

Victims of workplace violence suffer a variety of consequences in addition to their actual physical injuries. These include short and long-term psychological trauma, fear of returning to work, changes in relationships with coworkers and family, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers. Consequently, a strong followup program for these employees will not only help them

to deal with these problems but also to help prepare them to confront or prevent future incidents of violence.

Several types of assistance can be incorporated into the post-incident response. For example, trauma-crisis counseling, critical incident stress debriefing, or employee assistance programs may be provided to assist victims. Certified employee assistance professionals, psychologists, psychiatrists, clinical nurse specialists, or social workers could provide this counseling, or the employer can refer staff victims to an outside specialist. In addition, an employee counseling service, peer counseling or support groups may be established.

In any case, counselors must be well trained and have a good understanding of the issues and consequences of assaults and other aggressive, violent behavior. Appropriate and promptly rendered post-incident debriefings and counseling reduce acute psychological trauma and general stress levels among victims and witnesses. In addition, such counseling educates staff about workplace violence and positively influences workplace and organizational cultural norms to reduce trauma associated with future inciden
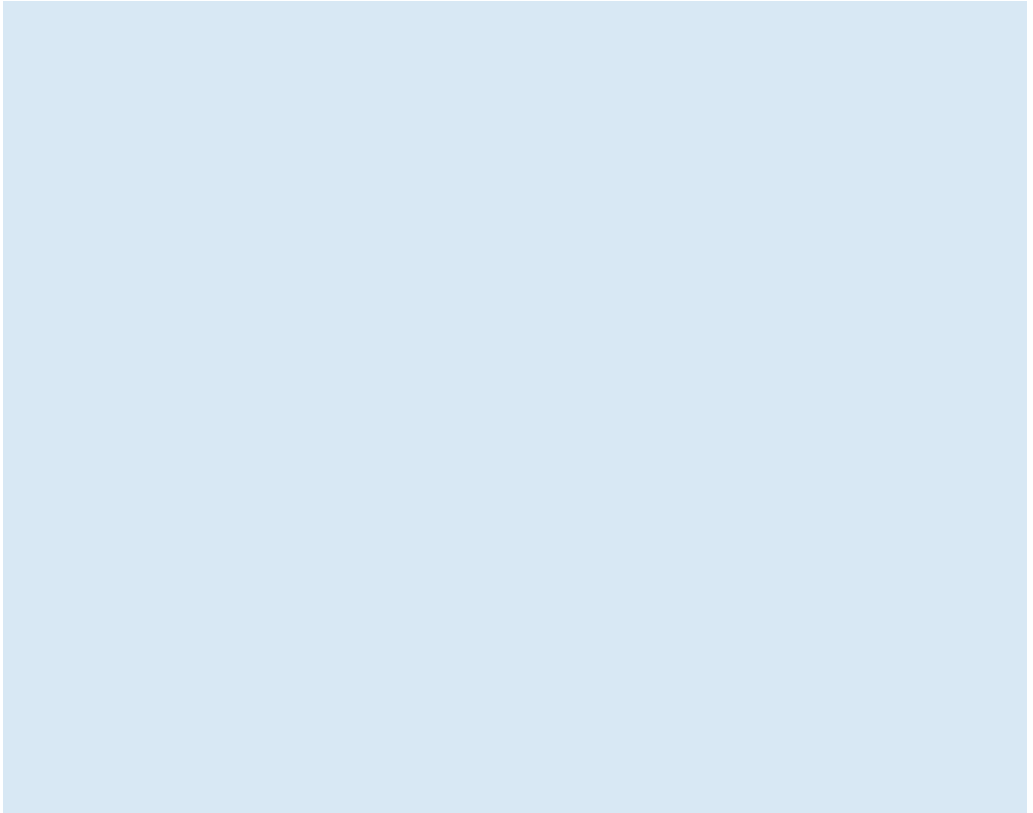
IX.

SUMMARY OF RECOMMENDATIONS & SUGGESTIONS FOR FURTHER RESEARCH

IX Su   ar o   co   n at ons

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A national campaign should be conducted to increase public awareness and knowledge concerning workplace violence issues.

As well as adopting plans, employers should:

- Communicate the policy to employees at all levels of the company.

- Survey employees to get their ideas about the incidence of violence, possible risks, and suggested preventive measures.

- Give support to violence-prevention measures.

- Provide violence prevention training for managers, supervisors, and employees on a regular basis.

- Practice the plan.

- Provide physically secure work spaces and adopt staffing policies that will help keep employees safe on the job.

- Establish relations with police, social service and mental health providers, and other government and private agencies that can assist in threat assessment, threat management, and crisis management.

- Place workplace violence prevention and training on the agenda of chambers of commerce, industry and trade associations, and other employer organizations.

- Evaluate the workplace violence-prevention plan periodically or when workplace circumstances change or a violent event has occurred.

Beyond the specific policies and procedures spelled out in a violence prevention program, companies will be most successful if they create an atmosill b8t5(h)-55.9989983ed, indust

- Responding to and better documentation of minor workplace incidents or cases of threats and harassment that could lead to violence, rather than waiting for a serious offense to occur.

- Training officers in violence prevention, threat assessment, stalking and harassment laws, and other professional topics relevant to workplace violence.

- Establishing and maintaining two-way contact with employers, advising on anti-violence planning, and assisting in preparing for and managing potentially risky situations, such as carrying out layoffs or terminating a "problem" employee. Outreach efforts should be especially directed to smaller employers that do not have the resources to maintain their own security staff, employee assistance program, etc.

- Federal law enforcement agencies, state police, and large police departments should consider creating specialized units assigned to conduct threat assessments and work with employers on violence prevention. These units should also be available to provide training and assistance to departments in smaller communities.

Government's role

Federal, state, and local occupational safety agencies should make workplace violence prevention a priority.

With OSHA taking the lead, government agencies can play a key role in improving, supporting and extending violence-prevention efforts by the Nation's private employers. In addition to promoting public awareness, agencies should:

- Develop systems for more complete and accurate monitoring of workplace violence incidents.

- Design and disseminate model policies and violence-prevention plans.

- Give special attention to developing violence-prevention strategies for smaller companies and for lower-paid, lower-status workers.

- Develop training programs for employers, supervisors, and employees.

- Compile and maintain lists of social service, mental health, legal, and other agencies, at the state and local level, that can provide assistance to employers or police departments in violence-prevention planning, training, threat assessment, employee counseling, etc.

Training

Training in violence prevention, threat detection, threat assessment, and threat management should become part of the workplace culture.

Workplace training programs for senior executives, managers, supervisors, and employees should be developed and disseminated through government agencies, local law enforcement, and employer and community organizations.

Training curricula should also be designed for police executives and officers, including specialized training in threat assessment. The FBI, state police, and state criminal justice commissions should distribute model training programs to local law enforcement agencies and provide training for smaller police departments. Police training programs should include instruction on extending community policing concepts to workplace violence.
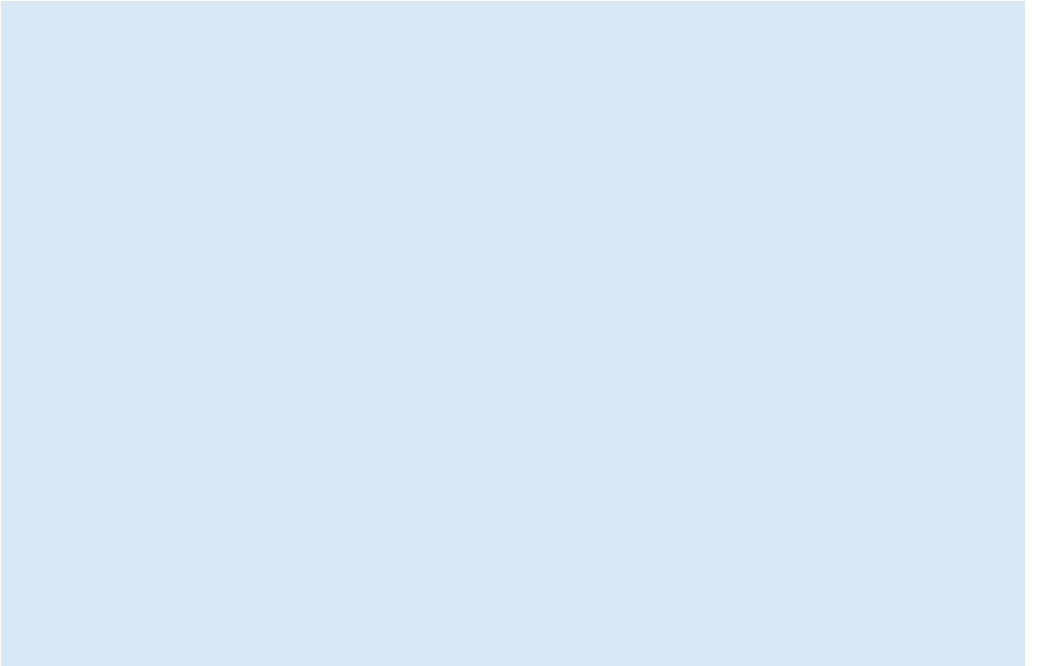
Government or private organizations developing curricula and training materials should produce a videotape presentation on basic violence-prevention concepts tailored for small employers.

Domestic Violence and the Workplace

When domestic violence follows an employee into the workplace, employers should support, protect, and help the abused partner, not punish her or him.
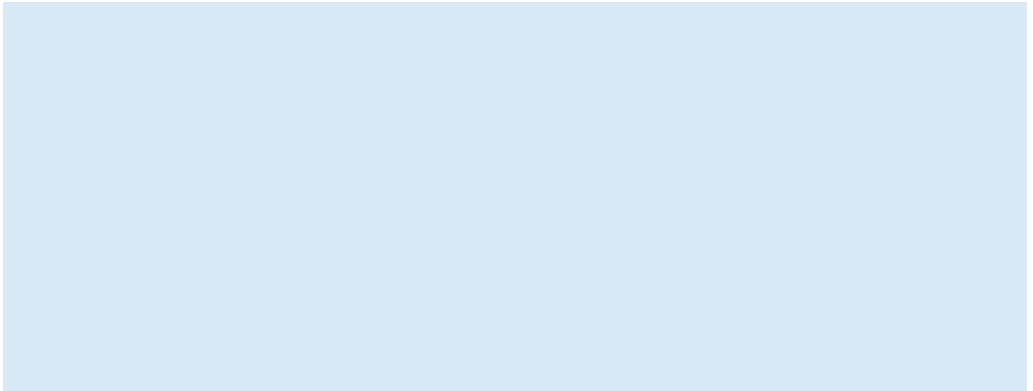
In the legislative field, policymakers and lawmakers should explore possible incentives such as tax breaks, insurance discounts, or carefully drawn liability exemptions that will

Tuesday, June 11

Concurrent Technical Workshop and Litter Threat Assessment Issues

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