

Knowledge IS Workplace Violence Program

Safety Tips from the WorkSafe People

Why Do I Need a Workplace Violence Prevention Program?

Read the newspapers, or watch television — the reports of workplace violence are increasing. Occupational Safety and Health Administration (OSHA) has indicated workplace murders are the leading killer of female employees and the second leading killer of male employees. The service sector, which includes retail establishments, police and security services, as well as limousine and taxi services, accounts for more than half of the workplace homicides. This sector had 85% of the non-fatal workplace assaults. Employees in health care and community services are also experiencing an increased risk of non-fatal assaults.

The Aug. 3, 1995 release from the U.S. Bureau of Labor Statistics indicated 1,074 employees were murdered in the workplace in 1994. A survey of top executives conducted in 2000 by Pinkerton Consulting and Investigations ranked workplace violence as the top security threat to their organizations. When people think of workplace violence, they think in terms of what has made the headlines — “*disgruntled employee shoots and kills supervisor*” or “*estranged boyfriend kills girlfriend*” — but it is more than this. The National Institute of Occupational Safety and Health (NIOSH) defines workplace violence as:

- “...any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes, but is not limited to, beatings, stabbings, suicides, shootings, rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as being followed, sworn at or shouted at.”

The Workplace Violence Research Institute defines workplace violence as:

- “...any act against an employee that creates a hostile work environment and negatively affects the employee, either physically or psychologically. These acts include all types of physical or verbal assaults, threats, intimidation, coercion, and all forms of harassment.”

People *do* have bad days. “Blowing off steam” should not be confused with warning signs of aggressive behavior or threats.

When workplace violence strikes, businesses suffer. It does not matter if the workplace violence incident appears in the headline or not, violence is costly to businesses in many tangible and intangible ways. The Department of Justice estimated on average 3.5 workdays are lost per crime. An analysis performed by *Security Magazine* based on U.S. Congressional reports estimates the cost associated with workplace violence to address lawsuits, lost business, and missed workdays at 3 billion dollars.

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How Can I Protect My Workers and My Organization?

The Basis of a Workplace Violence Prevention Program is a Proactive Safety Program

Understand there are no definitive strategies, actions, or one-size-fits-all safety programs that will apply to all work settings. Minimizing workplace violence begins with an organization-wide honest commitment to safety. The organization's top executives must establish the culture necessary for integrating the total safety philosophy into the entire organization's business culture. Without this strong and visible presence, only mediocre-to-poor safety performance will result.

A safety and health regulatory compliance program is a very *small* part of the total safety program. Unfortunately, most people only remember the walk-around inspections conducted by their insurance company, the local fire department, or a regulatory agency. A very common management pitfall is making workers responsible for safety by edict. The employees do not control the majority of items or processes necessary for safe operations within the organization (e.g., plant layout, equipment purchases, quality of raw materials, product design, work flow, policies, and procedures).

Four Major Elements of a Proactive Safety Program

- 1) *Visual* management support, commitment, and involvement
 - Establish an organization-wide safety and health policy
 - Each job classification should identify the positions responsible and accountable for your organization's safety program
- 2) *Annual planning* to establish written goals, objectives, action plans, internal controls, and evaluation of results
 - This process should include strategic planning (long-term goals), tactical planning (mid-term goals), and task-specific (short-term) goals
- 3) Develop *written policies and procedures*. Establish an effective means of communicating safety and health issues throughout your organization.
- 4) *Continual* education and training

Workplace Violence Prevention Program Development

Identify the Potential for Workplace Violence

The workplace cannot be separated or isolated from the rest of an employee's life. Personal problems — can and do — spill over into the work environment. There are many different approaches organizations may use to develop workplace violence prevention programs. An approach that works well for one may not be suitable for another. The following are broad guidelines all organizations should use when developing a workplace violence prevention program.

- Perform an initial assessment of the organization's current ability to handle potentially violent situations
- Physical security
- Pre-employment screening programs
- Good termination practices
- Outplacement
 - Identify all the in-house resources and skill levels needed for addressing a workplace violence incident
 - Develop a written workplace violence prevention policy and program
- Incident reporting procedures
- Develop response plans
- Provide initial and yearly training to employees
 - At least annually conduct an evaluation of the program and the organization's operations

With extensive planning, mock simulations, and effective program management, organizations can dramatically reduce incidents of workplace violence.

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Workplace Violence Prevention Checklist				
Location/Department:	Date of Review:			
Reviewed by:	Reviewed by:			
Topic Description	Yes	No	N/A	Comments
Organization/Company Safety Policy and Mission Statement				
Current for conditions and people involved?				
Displayed in the workplace? Location _____				
Safety Goals and Objectives				
Have goals and objectives been set for the current year?				
Are these goals and objectives measurable, realistic, and attainable for the operation?				
Are the goals reviewed yearly to ensure completion and accountability?				
Are the current goals and objectives used to plan next year's goals?				
If not, what criteria is used for setting goals?				
General Safety				
Is there a current safety or employee handbook?				
Is there a no-tolerance workplace violence policy included in the handbook?				
Are disciplinary actions outlined in the employee handbook for policy and procedure noncompliance?				
Are these actions applied consistently throughout the organization?				
Are these actions in writing and do they address unsafe work practices?				
Have these actions been communicated to employees during their job orientation, job transfers, and at least annually thereafter?				
Workplace Violence Accountability				
Has upper management assigned and communicated responsibility for all aspects of the organization's workplace violence prevention program?				
Do managers, supervisors, and employees throughout the organization know what type of safety performance is expected of them?				
Have adequate authority and resources (such as training) been provided to managers and front-line supervisors so that assigned responsibilities can be met?				
Are managers, supervisors, and employees held accountable for maintaining a no-tolerance attitude toward workplace violence?				
Workplace Security Review				

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Have any employees been assaulted by an irate client or customer?				
Have any employees been assaulted while traveling alone in the course of their job?				
Have there been any documented incidents involving assault and/or harassment among employees?				
Is the building occupied by the organization owned by the organization?				
Are all locks on all the windows in good working order?				
Are windows locked?				
Are all the building's accesses controlled?				
If the building is not owned by the organization, can they control the accesses to their area of the building?				
Have there been any problems with non-employees entering the private work area of the organization?				
Are the doors to the restrooms kept locked?				
Are there security guards in the building?				
Have they received training on the organization's workplace violence prevention program?				
Are the security guards positioned so they can monitor all entrances?				
Is security provided for groups working alone at night or on the weekend?				
Is security provided for groups working early in the morning?				
Is there an exchange of money with the public?				
Has security been increased in the area where money is exchanged with the public?				
Does the outside lighting system for the building eliminate all shadows around the building's entrance?				
Is the lighting system for the parking lot checked on a regular basis?				
Are repairs to the building's outside lighting system made the same day they are reported?				
Are repairs to the parking lot's lighting system made the same day they are reported?				
Have bushes near the organization's entrances been removed or trimmed so that no one can hide behind or under them?				
Has the organization established a relationship with the local law enforcement agency?				
Has the organization established a bomb threat procedure?				
Have employees received training on the bomb threat procedure?				
Workplace Violence Risk Assessment				

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Are employees trained on how to diffuse a potentially volatile situation?				
Has a crisis response team for workplace violence been established within the organization?				
Have members of the team been provided with training on violence intervention and response within the last year?				
Has a team member been assigned responsibility for communicating with employees and family members of victims after a violent act?				
Has a team member been assigned responsibility for communicating with clients and/or customers after a violent act?				
Has a plan been developed to address employee's concerns after a threat of violence has been received?				
Does the organization have an Employee Assistance Program (EAP) in place?				
Are employees knowledgeable of the organization's procedures for reporting court issued Personal Protection Orders?				
Hiring Practices				
Does the employment application form have a section addressing felony convictions?				
Are all applicants thoroughly interviewed?				
Are interview questions open-ended?				
Are all responses to interview questions documented?				
Are reference and background checks made on all applicants?				
Are all reference and background checks documented?				
Does the organization conduct pre-employment drug screening?				
Does the organization provide post-termination support to laid-off or terminated employees?				

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What Laws Impact My Workplace Violence Prevention Program?

Occupational Safety and Health Administration (OSHA)

The Federal *Occupational Safety and Health Administration's* (OSHA) "General Duty" clause requires employers to provide employees with a workplace free of recognized hazards. Because OSHA has not implemented a standard to specifically address hazards associated with workplace violence, the General Duty clause may be used to issue a citation to an employer. State governments, however, may have their own regulations. It is in the organization's best interest to check with their state government.

Equal Employment Opportunity Commission (EEOC)

The *Equal Employment Opportunity Commission* (EEOC) has stated inquiries about an individual's arrest record violate Title VII of the Civil Rights Act and are prohibited. This stand was taken because arrests do not prove the guilt of the individual charged. Inquiries concerning the individual's conviction, relevant to the applicant's position are acceptable. A conviction cannot be the blanket reason the applicant is denied the position. The nature of the crime, the applicant's past employment record, and the time span between the conviction and the application for the position in question must be taken into account.

Americans with Disabilities Act (ADA)

The *Americans with Disabilities Act of 1990* (ADA) is a civil rights legislation designed to prevent discrimination against individuals with disabilities. Title I of the ADA prohibits employers from discriminating against qualified individuals because of a disability in all aspects of employment. The act protects individuals with actual disability, apparent disability, or a history of disability; it applies to employers with 15 or more full- or part-time employees who have worked for the employer 20 or more calendar weeks in the current or preceding calendar year.

- ADA defines a person as having a disability if he or she fits within any one of the following categories:
 - Has a physical or mental impairment that substantially limits one or more of his or her major life activities
 - Has a record of such impairment
 - Is regarded as having such an impairment
 - Under ADA, physical and mental impairments include:
 - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss
 - Any mental or psychological disorder
 - Orthopedic, visual, speech and hearing impairment
 - Epilepsy
 - Muscular dystrophy
 - AIDS or HIV infections
 - Cancer
 - Diabetes
 - Specific learning disabilities
 - Heart disease
 - Multiple sclerosis
 - Mental retardation
 - Cerebral palsy
 - The ADA requires reasonable accommodations be made for a qualified individual with a disability who can perform the essential job functions. Reasonable accommodations are changes or adjustments to the work environment, including:
 - Job restructuring
 - Part-time or modified work schedule
 - Providing readers or interpreters
 - Providing or modifying equipment or devices
 - Reassignment to a vacant position
 - Adjusting or modifying examinations, training materials, or policies

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- Providing a readily accessible workplace
 - Employers may reject a qualified applicant on the grounds that the individual's disability makes him a "direct threat" to himself or others. "Significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation" must be documented.

During the pre-employment process no inquiries may be made about an individual's disability or mental disorder. Pre-offer medical examinations are prohibited under the ADA. Only after an employment offer has been made can a medical examination be given. The EEOC has not specifically indicated psychological profiles, surveys, or tests are medical examinations. Consult an attorney prior to using any of these tests.

Family and Medical Leave Act of 1993 (FMLA)

The *Family and Medical Leave Act of 1993 (FMLA)* is designed to provide employee job protection for up to 12 weeks of unpaid medical leave. It does not supersede any state or local law that provides more rights under family or medical leave provisions.

- The FMLA applies to employers with 50 or more employees who work within a 75-mile radius of that worksite.
- Employees are eligible to use the Family and Medical Leave Act provided they have worked for the employer for at least 12 months (which does *not* have to be consecutive) at a worksite subject to the Act.
- The employee has to be employed for at least 1,250 service hours during the 12-month period immediately prior to leave commencement.
- The employer must give notice *in writing* to the employee if medical certification is required as a condition for granting leave or fitness for duty when the employee returns.
- The employee must supply the employer with a 30-day written notice of leave if it is foreseeable, or as soon as practical if it is an emergency or unplanned situation. This notice must include the reason for, and approximate length of, the leave.

Workers Compensation

The American Society of Safety Engineers defines *workers compensation* as follows:

"A system of insurance required by state law and financed by employers, which provides payments to employees and their families for occupational illnesses, injuries, or fatalities incurred while at work and resulting in loss of wage income, usually regardless of the employer's or employee's negligence."
Source: The Dictionary of Terms Used in the Safety Profession, Third Edition.

- Approximately 90 percent of all hourly and salaried employees are covered by workers compensation
 - Some employment categories are excluded, this will vary from state to state (check with your state's office of Worker's Disability Compensation); the most common exclusions are:
 - Self-employed (owner)
 - Professional athletes
 - Short-term temporary laborers
 - Seasonal or agricultural farm laborers
 - Volunteer workers
 - Workers covered by other labor laws (such as railroad and maritime workers who are specifically listed under the acts)
- An employee with a pre-existing condition that is aggravated or accelerated by the workplace is also covered
- Employers are liable to pay compensation to employees who are injured or become ill as the direct result of their course of employment
- Employees must prove their employment was the contributing factor to their injury or illness
- Indemnity benefits vary — consult state-specific workers compensation act

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Negligence Liability

Employers carry liability under tort theories of negligent hiring, training, retention, security, and supervision.

- *Negligent hiring* — liability occurs when the injured or harmed party can demonstrate that the employer knew or should have known that the employee had a history of violence
 - Information concerning the employee's unfitness for the position was available before hiring or became available after hiring
 - The employee's action are linked to the injured party
- *Negligent training* — liability occurs when the employer fails to provide training necessary to prevent injury to employees or third parties
- *Negligent retention* — liability occurs when the employer retains an employee after they become aware or should have known that the employee presented a danger to others
- *Negligent security* — liability occurs when an employer should have reasonably foreseen potential acts of violence and should have implemented preventive measures
- *Negligent supervision* — liability occurs when an employer's supervisor fails to prevent an employee injury as a result of a violent act. Third parties injured on the employer's premises or using the employer's equipment would fall in this category.
- Negligent for withholding information when giving references occurs when a past employer withholds information about a current or former employee who has displayed violent actions or tendencies. The past employer has a duty to warn the prospective employer of potential harm.
 - Give the job title and dates of employment in response to an initial reference request
 - Obtain the name of the caller, their title, company name, address, and phone number
 - If there is an obligation to provide additional information, consult with the organization's legal advisor

Rehabilitation Act of 1973 and Vietnam Era Veterans Readjustment Assistance Act of 1974

Some government contracts restrict the employer from disclosing an employee's medical information except when:

- The supervisors have a need-to-know because of accommodations or work restrictions
- There is a potential the individual may require emergency treatment; first aid personnel should be made aware of any medical conditions
- Information requested under 41 CFR Section 60-741, 41 CFR Section 60-250 or 41 CFR Section 60-74181.14 by government personnel

Fair Credit Reporting Act

As part of the pre-hiring process it may be necessary to conduct pre-employment credit checks. Investigations of this type are dependent on the position. The Fair Credit Reporting Act has established the following guidelines:

- Notification *must* be given to the applicant and the employee prior to conducting the credit check
- Written authorization *must* be obtained from the applicant or employee prior to the start of the credit check
- The information obtained *must* be restricted to the purpose for which the credit check was conducted
- The results of the credit check *must* be given to the applicant or employee
- The documents obtained from the search *must* be placed in a file separate from the employee's personnel file
- All credit information *must* be kept confidential

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Employee Polygraph Protection Act of 1988 (EPPA)

The purpose of this law is to prevent *most* private employers from using polygraph and lie detector tests as screening tools for prospective employees. Local, state, and federal governmental agencies, such as the police department, are not impacted by this law. The same is true for public agencies, such as school systems or correctional institutions.

This act *prohibits*:

- The employer from asking about previous polygraph tests
- The review of previous test results
- Discrimination against an individual who refuses to take the polygraph test
- The use of the polygraph to screen out potentially violent employees

This act *permits* the employer to:

- Request that the employee take a polygraph test during an on-going investigation “involving economic loss or injury to the employer’s business, such as theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage”
- Give at least a 48-hour notice to each individual prior to the test (this is not including the weekend)

Following Acts of Violence — Legal Liabilities

The employer may be held *liable* for:

- Assault and battery by the individual suspected of potential wrongdoing if he or she was physically detained or assaulted during the altercation
- False imprisonment for detaining the individual suspected of potential wrongdoing against his or her will
- *Respondeat Superior*, negligent acts of the organization’s agents and employees committed within the course and scope of employment

Legal rights of the employee suspected of violent behavior:

- The organization’s policies and procedures *must* be precisely followed
- If a union is involved, the union contract *must* be precisely followed
- Wrongful termination liabilities may occur when an employee is terminated after being accused of violent behavior. The employer must prove beyond a reasonable doubt that the termination was the correct action to take.
- False imprisonment may be filed by the employee if he or she is detained against his or her will
- Assault and battery may be filed by the employee if he or she is physically restrained
- The employee may bring defamation of character charges against the employer if he or she is falsely accused of violent behavior. This may happen after the employer has warned others of the potential danger associated with the employee in question and this later turns out to be incorrect.
- Invasion of privacy charges may be brought against the employer if the employee investigation went outside the scope of the employment
- Improper search and seizure occurs when the employer conducts an *unannounced* search of lockers, desks, or any other location where the employee stores his or her personal belongings

- Discrimination may occur if the employee can show the allegations of violent behavior were based on such things as, but not limited to, race and gender.
- Discrimination may occur if the employee can demonstrate his or her behavior was the result of a medical condition protected under the Americans with Disabilities Act.

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How to Implement a Workplace Violence Prevention Program

The best time to create a workplace violence prevention program is *before* one is needed. Every employer, regardless of the number of employees, or type of products or services they supply, should develop a written workplace violence prevention program. Communicate this program to all managers, supervisors, and employees. Review the written program at least yearly. Whenever there is a change in the organization's structure or method of operation, remember to make the necessary changes in the workplace violence prevention program.

Just like any other organization-wide program, all levels of management (from the board president, owner, and CEO, to the foreman) must provide the resources and the motivating forces necessary to make the workplace violence prevention program part of the organization's culture. Failure to do so will undermine the success of the program when it is need most — in times of a crisis when a life may be on the line.

Step 1

Assign Responsibility and Authority

1. Senior and Upper Management

Senior and upper management are the driving force for the organization's values, mission, products, and services. They have the authority and responsibility to *establish and continually* promote an atmosphere committed to providing a workplace free of recognized hazards. Senior and upper management should:

- Promptly and appropriately respond to any act of violence
- Establish a workplace violence prevention team to assist the Human Resources Department to provide immediate response to serious incidents
- Provide support avenues for employees who have experienced workplace violence
- Oversee workplace violence investigations
- Provide the necessary funding and support for appropriate aftercare procedures, which may include the following depending on the severity of the incident:
 - Mass transportation or bussing away from the site of the incident
 - Identify the communication methods that would be used to inform all employees and/or family members as well as the media
 - Procedures that would enable the company to effectively return to normal operations

2. Safety and Health Professional/Risk Manager

The safety and health professional or risk manager in the organization has the responsibility and authority to:

- Work with the organization's senior management to establish and maintain a comprehensive organization-wide safety and health program
- An organized, direct and control approach that is used in the organization to produce the product or service may also be applied to the safety and health program
- Oversee compliance with state and federal safety and health regulations, such as, but not limited to, the Occupational Safety and Health Administration (OSHA), the Americans with Disabilities Act (ADA), the Employee Polygraph Protection Act (EPPA), and workers compensation
- Assess risks and implement necessary actions, such as, but not limited to, policies, procedures, and process changes to eliminate or minimize the potential risk
- Serve as the organization's liaison with, but not limited to, local, state, and federal law enforcement, legal advisor, medical/trauma and behavioral science consulting resources, and advanced security services, such as Pinkerton Consulting and Investigations

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3. Human Resources Professional

The organization's human resources professional has the responsibility and authority to:

- Oversee compliance with state and federal employment regulations, such as but not limited to, Equal Employment Opportunity Commission (EEOC), Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), Rehabilitation Act and the Vietnam Era Veterans Readjustment Assistance Act, Fair Credit Reporting Act, Employee Polygraph Protection Act (EPPA), and workers compensation
- Conduct or oversee background checks on all eligible job applicants
 - Accurately maintains employees' personnel files. Employees' medical files may be maintained in the Human Resources Department, however, they *must be* kept separate and confidential from employees' personnel files.
 - Oversee the following processes in the organization:
 - Hiring practice — ensure every applicant completes an application form regardless of the position
 - Interview process — require more than one interview of the candidate who is seriously being considered
 - Background and reference check
 - Checks of prior felony convictions if permitted by state law
 - Post-offer, pre-employment physicals
 - New employee orientation training
 - Employee transfer
 - Disciplinary actions
 - Union grievances and litigations
 - Termination
 - References for past employees
- In the event of any injury or illness, the human resources professional is responsible for obtaining and coordinating all paperwork associated with the injured employee, including but not limited to, the state government injury and illness log, return-to-work restrictions, telephone calls to the employee, and written offers of transitional tasks for return-to-work duty.

In smaller organizations the *safety and health professional*, *risk manager*, and the *human resources professional* positions may be combined. How well this works is dependent on upper management support and the knowledge and skills of the individual in the position. Issues involving employee safety and health, policy and procedure research, and development are *very* time consuming; they are constantly changing and require continual supplemental in-service training. Incidents involving workplace violence must be addressed as soon as they arise. They cannot be delayed if the organization wants to promote an atmosphere that emphasizes prompt reporting of *all* workplace violence incidents.

4. Manager/Supervisor/Foreman

The manager, supervisor, or foreman is responsible and accountable for the safety management practices implemented in his or her area of responsibility. This position:

- Has the authority and responsibility to directly manage the workplace
- Is knowledgeable of the organization's no-tolerance policy toward workplace violence
 - Familiar with the early warning signals of violent behavior
 - How to diffuse confrontational or violent behavior
 - How to report and document these early warning signals
- Is responsible for providing training to employees

5. Employees

In the event of an incident involving workplace violence (regardless of how minor) the employee is responsible for reporting it *immediately* to the individuals or team designated in the organization's workplace violence prevention written program. The employee will:

- Assist in filling out the workplace violence incident report form
- Follow the organization's incident procedure if there has been an injury. Depending on the extent of the injury, it may involve the organization's workers compensation procedures.

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6. Union

If a bargaining unit is part of the organization, management should incorporate the union in the development and implementation of the workplace violence prevention program.

- The union should have knowledge of the workplace violence prevention program.
- The union should assist in the initial rollout of the program, as well as assist in the yearly reviews of the program.
- Members from the union should be part of the multi-discipline Workplace Violence Prevention Team.

7. Workplace Violence Prevention Team

This team is a multi-discipline team made up of employees, supervisors, managers, and top management from the following areas, departments, or outside services:

- Operations
- Human Resources
- Safety and Health
- Risk Management
- Finance
- Information Services
- Legal Counsel
- Security/Building Operations
- Union
- Employee Assistance Program (EAP)

The team has the authority and responsibility to:

- Assess the workplace violence vulnerability of the organization's location(s), building(s), operations, and provide recommendations
- Develop and implement the workplace violence prevention policy and program
- Develop and implement employee-training programs on workplace violence
- Implement and document written plans for investigating all reports of workplace violence incidents
 - Conduct yearly audits of the overall effectiveness of the Workplace Violence Prevention Program
- Access to the following records:
 - OSHA Injury and Illness Log
 - Incident reports
 - Police reports
 - Training records

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Step 2

Establish a Written Workplace Violence Prevention Policy Statement

The workplace violence prevention policy statement should be clearly written. It may stand alone or be incorporated in the organization's safety and health policy. The document forms the basis for the workplace violence prevention program and must be signed and dated by the organization's senior management (and union president, if applicable). For this policy to be effective, it must be communicated to the entire workforce on a continual basis; this includes all new-hires and annually for the general workforce.

Sample Workplace Violence Prevention Policy Statement

Our organization believes that employees are our most important assets. Therefore, we will strive to provide a workplace free of recognized hazards by refusing to tolerate violence of any kind in the workplace.

Our goals include minimizing and eliminating the potential for workplace violence that could cause injury to our employees, visitors, clients/customers, and contractors. For this to occur, it will require participation by all employees. Our management and employees will work together to ensure prompt and accurate reporting of any violent or potentially violent incident, whether or not physical injury has occurred.

All managers and supervisors of this organization have the responsibility to ensure that each employee receives the training and instruction necessary to recognize potential violent situations, identify the actions necessary to defuse the situation, or evacuate. All management will set a good example by complying with the organization's rules for workplace violence prevention.

All employees play a part in workplace violence prevention. Our organization will apply all workplace violence prevention policies consistently and fairly to all employees and management.

Even with the total commitment of management and employees, workplace violence may occur. If this happens, management will work with, but not limited to, the employee Assistance program, local law enforcement authorities, and the public.

I am (We are) personally committed to the continual improvement of our workplace violence prevention program and will authorize necessary actions to achieve these objectives. Adequate budgetary resources will be provided; measurable goals and assignments will be established. I will (We will) expect your participation in the workplace violence prevention program.

Signatures of the President/Owner,

Revise the policy whenever there is a change in the organization's focus or in the responsibilities of the individuals who have signed the statement. Maintaining a *current* written workplace violence prevention program is an important step in keeping the program alive within the organization!

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Step 3

Work With Employee Assistance Program (EAP) — Social Service Counseling Agency

- Designed in the 1940's to help employers deal with employee alcoholism, the Employee Assistance Program (EAP) has been expanded over the years to address problems associated with, but not limited to, drug abuse, marital and family problems, financial problems, stress, mental health, and gambling.
 - The organization establishes a liaison relationship, usually through the Human Resources Department, with the social service counseling agency.
 - The availability of the EAP is communicated to the organization's employees
 - Procedures are established to identify the circumstances where referrals will be mandatory
- Behavioral scientists are available to assist in the assessment of an employee (the alleged offender) who has made a threat to determine the likelihood that the individual would carryout the act of violence.
- An employee referral procedure will be in place outlining the circumstances where referral will be mandatory.
 - EAP works in conjunction with the organization's Workplace Violence Prevention Team.

Step 4

Identify Job Category Exposure to Workplace Violence

Establish a written job description for each job category within the organization. Define the major tasks performed and list all related knowledge and skills required. Each specific job task should be identified as either *essential* or *non-essential* to the job. The physical demands associated with all the tasks identified should be documented.

The essential job function's information may be used to determine whether or not an individual with a disability is qualified to perform the job. The *Americans with Disabilities Act* is designed to protect individuals with disabilities who can perform the *essential* job functions with or without *reasonable accommodations* from discrimination.

The employer may reject a qualified applicant on the basis that the individual's disability makes him a "direct threat" to himself or others. The information associated with the "significant risk of substantial harm to the health or safety of the individual or others cannot be eliminated or reduced by reasonable accommodations" must be well documented.

For each job category, identify the potential for workplace violence based on the following exposures:

- **Committed by strangers** — while acting in the scope of his or her job, the employee may be attacked. This attack may occur both in and outside of the traditional workplace setting. There is no legitimate relationship between the stranger and the employee or the workplace.
- **Committed by clients or customers** — the employee is faced with two different types of exposures. The first involves individuals who have a history of violent behavior. Prison inmates and mental health patients fall into this category. Client or customer frustrations resulting from delays in service, denial of benefits, or social services make up the second type of exposure.
- **Committed by co-workers** — there are several levels involved with this exposure; violence between supervisors and subordinates, between non-supervisory and supervisory employees at the same organizational level or different levels.
- **Committed by a perpetrator who has a personal relationship with the employee** — estranged domestic partners seek out the employee while he or she is at work.

Identify all job categories that have tasks involving:

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- Exchanges of money with the public
- Operations that would require the employee to work both on a routine and non-routine basis, alone, or in small groups
- Operations that require the employee to work at night or in the early morning hours
- Work performed in high crime areas
- Job tasks performed in the community setting
- Providing protection for valuable properties or possessions
- Surveillance
- Client or patient contact with individuals with psychiatric conditions, or those disoriented by drugs, alcohol, or stress

Review incident reports and interview employees to identify all job categories that have experienced a workplace violence incident. This includes:

- Threatening phone calls
- Bomb threats

Step 5

Workplace Security Analysis

The Workplace Violence Prevention Team should conduct an initial and periodic physical inspection of the workplace and its surroundings (*refer to Workplace Violence Prevention Checklist*). These inspections will identify the hazards, conditions, operations, and situations that could lead to violence. All observations and corrections should be documented and kept on file.

Develop and implement a questionnaire for the purpose of understanding the employee's perceptions of the workplace security.

- Ban weapons in the facility unless authorized.

Step 6

Establish a Working Relationship With Law Enforcement

The Workplace Violence Prevention Team should develop a working relationship with the local law enforcement agency.

- Seek local law enforcement help for the removal of trespassers.
- Obtain information concerning local ordinances for prosecution of trespassers.
- Identify the local branches of the FBI and ATF.
- Consult with the local prosecutor.
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Step 7

Good Hiring and Termination Practices

- Reduce the risk of workplace violence by screening out applicants who may have a propensity for violence.
- Require every applicant to complete application forms regardless of the position.
- Establish a written policy for conducting application background checks. Place this information on the organization's employment application and obtain the applicant's signature.
- If a third-party firm will conduct the background checks, the organization must obtain the applicant's signature on a separate form that meets the requirements of the Fair Credit Reporting Act

Check references diligently:

- Whenever possible, avoid calling the Human Resources Department
- Call the applicant's immediate supervisor
- Provide training to all employees involved in the interview process on the questions that are acceptable to ask.

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- If appropriate for the position, conduct a criminal background check.
- Research if the applicant has filed any legal claims against past employers.
- Confirm the verbal job offer in writing. Include in the offer letter that employment is conditional pending the outcome of the:
 - Drug and alcohol testing
 - Post-offer pre-employment medical screening
 - Compliance with the organization's policies
- Provide a thorough new employee orientation.
- Establish a process for turning down applicants who do not meet the organization's criteria.
 - Send a polite letter explaining the applicant's services are not needed
 - Do not provide information on why the organization disqualified the applicant
- Employee grievances should be addressed quickly.
- When dealing with an alleged offender, select actions that avoid additional threats or violent acts
 - Avoid traditional approaches, such as promptly terminating the alleged offender or requesting immediate intervention by law enforcement, which may further aggravate the individual.
 - Following an investigation of the findings, indicate disciplinary actions; use a process that reinforces to the alleged offender a sense of fairness and personal concern for the employee.
 - Establish in the mind of the terminated employee that there is a future. Job loss cannot be viewed as the end of the employment road; offer outplacement assistance, agree to the details that will be given in the statement of separation.
- Reduce the impact on employees when large-scale termination occurs because of downsizing.
 - Communicate with the employees; give the facts in a timely manner
 - Give attention to the employees who are remaining, as well as the individuals terminated

Step 8

Training Programs for New and Transferred Employees

- All levels of the organization must receive training on the potential for workplace violence.
- Stress the organization's workplace violence no-tolerance policy.
- Be aware of potential signs of violent behavior.
- Training of supervisors' and managers must include the basic knowledge, as well as:
 - Recommended methods to diffuse verbal abuse, confrontational, or violent behavior
 - The modern theories for addressing workplace threats and acts of violence
- Explain the steps that will be taken if an employee is accused of a violent act or behavior.
- The investigation process:
 - Findings from the investigation will be reviewed by the Workplace Violence Prevention Team and Human Resources Department
 - Review the processes that are available to the employee for reporting violent acts or behavior.
 - Explain how to obtain medical assistance if needed.
 - Explain what steps to take when traveling for the organization.
- Conduct training on workplace violence prevention in the new employee's orientation and additional training will be supplied on:
 - Department or area specific procedures
 - Yearly basis

Step 9

Warning Signs — How to Report Them

There is *no* specific profile of a potentially dangerous individual; therefore, it is

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very important that the organization establishes a process and culture for reporting (even anonymously) early warning signs of violent acts or behavior. Some early warning signs include:

- Direct or veiled acts or threats of harm
- Intimidating, belligerent, harassing, bullying, or other aggressive behavior
- Frequent conflicts with supervisors and other employees
- Drug and/or alcohol abuse
- Extreme changes in behavior
- The employee is rigid and unwilling to accept ideas contrary to his or her own
- The individual is angry, depressed, or sullen
- Co-workers fear the individual
- The employee identifies himself or herself with other perpetrators of workplace violence
- Frequent comments or jokes are made about an employee's weapon collection or a reference is made to purchasing one in the last 90 days
- Reacts adversely to criticism
- Blames others for his or her actions
- A history of filing unreasonable grievances
- A terminated employee who remains in contact with current employees
- Has the feeling that someone is "out to get him or her"

Not all serious workplace violence cases will have all of the above warning signs. Some individuals we work with may have a few, but when the individual you work with has many, that is the time to report the matter.

Step 10

Incident Reporting, Investigation, Follow-up, and Evaluation

- The workplace violence incident reporting procedure should apply to all types of violent behavior, regardless of physical injury.
- The type of investigation conducted by the Workplace Violence Prevention Team will be based on the severity of the incident; in the case of *imminent* life threatening events, contact the appropriate law enforcement agency *immediately*.
- A detailed fact-finding investigation will be conducted after each incident.
 - Identify contributing causes and recommend corrective actions.

Step 11

Recordkeeping

Recordkeeping is essential for the success of a workplace violence prevention program. The following records are some of the basic requirements:

- Injury or illness log (state specific or OSHA) — document any injury or illness requiring more than first aid, loss of consciousness, modified duty or results in lost time from work must be recorded. A fatality or catastrophic event, which resulted in hospitalization of three or more employees must be reported to the state program or OSHA within 8 hours.
- Workplace violence incidents shall be kept for seven years
- Minutes from the Workplace Violence Prevention Team meetings shall be kept for three years
- Employee training records, sign-in sheets, and instructor's qualifications shall be kept for five years
 - Medical records of an employee's work injury must be kept separate from their personnel records

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Sample Framework for a Corporate Workplace Violence Prevention Program*

(Name of Company)

(Date)

Purpose

It is the intent of the *(insert company's name)* to provide a workplace for our employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable, and by providing assistance to any victims. All departments in the company are expected to fully implement this program.

Violent actions on *(insert company name)* property or while on *(insert company name)* business will not be tolerated or ignored. Any unlawful violent actions committed by employees of this company will be prosecuted as appropriate. The *(insert company name)* has a no-tolerance attitude towards workplace violence.

Scope

The provision of this program applies to:

- All work sites owned or controlled by *(insert company name)*
- All locations where work is performed by *(insert company name)* employees
- All regular full-time, part-time employees, and any type of temporary help
- All clients, customers, and contractors
- All visitors to *(insert company name here)* premises

Definitions

Assailant: An individual who verbally or physically attacks another individual.

Bomb Threat: An expression of an intention to inflict pain, injury, or punishment on an individual or organization using an explosive weapon detonated by impact or other predetermined means.

Domestic Violence: Acts of abuse or violent behavior, including threats and intimidation, between individuals who have an ongoing or prior relationship. This could include people who are or were married, lived together, or dated.

Intimidation: Engaging in actions that include, but not limited to, stalking or behavior intended to frighten, coerce, inhibit, or induce duress.

Medical Treatment: Treatment administered by a physician or registered medical professional personnel under the orders of a physician. This does not include first aid.

Physical Attack: Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, or throwing objects.

Safe Place: Pre-determined secure locations, either within the company's facility or facilities not associated with the company, for the purpose of protecting the intended target.

Threat: An expression of intent to cause physical or mental harm; regardless if the individual has the present ability to carry out the threat.

Workplace Violence: Expressions that include, but not limited to, harassment, intimidation, threat, physical attack, domestic violence, or property damage. Such acts of violence may be committed by employees, clients, customers, or visitors to this company.

Responsibility and Authority

1. Senior and Upper Management

It is the responsibility of *(insert specific title of upper management position, e.g., president)* to continually demonstrate support, commitment, and visible involvement to ensure that this program and the associated procedures are followed.

2. Safety and Health/Risk Manager

The organization's *Safety and Health Professional or Risk Manager*, by virtue of his or her education, knowledge, and skills has the responsibility and authority to:

- Work with senior management to establish and maintain a comprehensive organization-wide safety and health program
- Oversee compliance with state and federal safety and health regulations

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- Maintain all required federal, state, and local safety and health-related records and reports
- Serve as the liaison with law enforcement agencies, as well as experts on security matters
- Assist with the regular threat assessment surveys of the company to determine the level of security preparedness
- Work with facility personnel to improve security levels of the company's buildings and grounds, including parking lots
- Evaluate the effectiveness of the (*insert company name*) workplace violence prevention program

3. Human Resources Professional

The *Human Resources Professional* will:

- Be responsible for the company's hiring practices, including background, reference and prior felony conviction checks, the interview process, and new employee orientation training
- Provide or oversee the company-wide managerial training on basic leadership skills, and how to address employee problems
- Provide assistance to managerial staff, as needed, to determine appropriate course of administrative actions for specific situations such as, but not limited to, providing reasonable accommodations according to the Americans with Disabilities Act
- Assist the Workplace Violence Prevention Team with the investigation of workplace violence incidents
- Provide technical expertise and consultation to determine whether sufficient evidence exist of a violent act or behavior, which would require intervention of the EAP and/or progressive discipline
- Act as the company's liaison to address union grievances
- Maintain all appropriate records

4. Manager/Supervisor/Foreman

Each manager/supervisor/foreman shall effectively enforce compliance of this Workplace Violence Prevention Program. This position will:

- Inform their employees of the company's workplace violence prevention policies and procedures
- Ensure their employees know the specific procedures for dealing with workplace threats and emergencies
- Provide training to all of their employees who have special needs during emergency evacuations
- Respond to all reported potential threats and escalating situations by performing the initial investigation:
 - If the threat is an emergency situation (*life threatening*), the local law enforcement agency will be contacted immediately
 - If the threat is *not* an emergency situation (*not life threatening*), the Workplace Violence Prevention Team will notify the Human Resources Department
- Be knowledgeable of the signs and symptoms of potential workplace violence
- Assist as requested by the Human Resources Department and/or the Workplace Violence Prevention Team with the workplace violent incident
 - Maintain accurate and complete records in accordance with the company's record retention policy

5. Employees

Employees are responsible for complying with the company's policies.

- Know and understand the company's procedures established to address workplace violence threats and emergencies
- Be responsible for complying with the security measures in the workplace
- Report all breaches of security to their supervisor at the time of the occurrence
- Immediately report any signs of threat (physical or verbal) and/or any disruptive behavior of any individual
- Understand the company's evacuation procedures

6. Union

- Actively support the policy and contract language addressing workplace violence prevention
- Work with the management to ensure that employees receive continuing workplace violence prevention education on the workplace violence prevention policy
- Have representation on the Workplace Violence Prevention Team

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Employee Assistance Program — EAP

1. An *Employee Assistance Program (EAP)* was developed based on the quality and wide range of services offered by *insert social service counseling agency name*. The agency selected has the ability to provide assessment and treatment programs for individuals and groups by licensed therapists.
 - A liaison relationship exists between the company and the agency
 - Employees who have problems may contact the agency directly and obtain treatment without the knowledge of this company
 - All interactions with the EAP will be kept strictly *confidential*
2. The availability of the EAP will be communicated regularly to the employees by the *(insert department name)*.
3. Establish a referral process with EAP for evaluation assistance of the alleged workplace violence offender.
 - Managers/supervisors/foremen will receive training on how to identify problems that would be appropriate to refer to the EPA service

Workplace Violence Incident Procedure - Notification of Workplace Violence Incident

1. All employees are responsible for reporting any incident of workplace violence. If the act or altercation constitutes an emergency situation (*life threatening*), *all employees are empowered* to call 911 (or the local law enforcement agency). It is not necessary in this circumstance to notify your immediate supervisor prior to making the call.
2. If the incident does not qualify as an emergency situation, the individual involved or the one who saw the situation shall contact their immediate supervisor, the Workplace Violence Prevention Team, or the Human Resources Department.
3. When a supervisor is notified of a potential workplace violence incident, the following will be completed immediately:
 - Contact the Human Resources Department or the Workplace Violence Prevention Team; advise them a workplace violence situation is occurring. As the investigation at the department or area level unfolds, keep the Human Resources Department or the Workplace Violence Prevention Team updated.
 - Fully investigate the incident. There are potential liabilities and legal implications associated with an investigation of this nature; follow the advice of the Human Resources Department or the Workplace Violence Prevention Team.
 - Interview the complainant. Based on the information gathered, determine how to proceed with the next phase of the investigation. Interviews may be conducted with other employees, clients, customers, or anyone who saw the incident or had contact with the alleged offender in order to validate the potential the reported incident. Proceed in a manner that demonstrates objectivity, fairness, and concern for confidentiality.
 - Document all the information gathered on the workplace violence investigation form and submit it to the Human Resources Department the same day notified of the incident.
4. If any member of the Workplace Violence Prevention Team is notified directly by a supervisor or employee of a workplace violence incident, the member will contact the Human Resources Department immediately and notify the remaining team members.
5. If the Human Resources Department is notified directly by a supervisor, employee, client, customer or visitor of a workplace violence incident, the Workplace Violence Prevention Team will be notified immediately.
6. The Human Resources Department and the Workplace Violence Prevention Team will meet to determine how to proceed based on the initial information provided.
7. The Human Resources Department will notify the company's legal advisor if the alleged offender will require psychological testing and psychiatric evaluation, be dismissed, or if civil and criminal charges will be filed.

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Interview with the Complainant

1. Use a non-judgmental approach when interviewing the complainant. The goal of the interview is to obtain a true and accurate account of the incident. The initial interview will be conducted by either the supervisor, a member of the Human Resources Department, or a member of the Workplace Violence Prevention Team. The following information will be obtained:
 - ◆ Date and time of the incident
 - ◆ Background information leading up to the incident, including the relationship (if any) between the parties prior to the incident
 - ◆ Obtain the names of anyone who may have seen the incident, or had an encounter with the alleged offender
 - ◆ Determine if the complainant responded to the violent encounter
 - ◆ Did the complainant who made the report document the incident or any past incidents
2. Explain the process that will be used to investigate and document the incident.
3. If the incident was reported by an employee, remind the individual about the services of the EAP.

Interview with the Alleged Offender

1. Use a non-judgmental approach when interviewing the alleged offender. The goal of the interview is to obtain a true and accurate account of the incident. The supervisor will consult with the Human Resources Department and/or the Workplace Violence Prevention Team to determine who should conduct this interview.
2. The interview process for an employee who is the alleged offender:
 - ◆ Bargaining unit members may request union representation
 - ◆ The facts of the incident will be presented
 - ◆ The alleged offender will be asked to describe the incident that occurred
 - ◆ Ask the alleged offender to describe the relationship with the complainant and other interactions they may have had
3. Remind the employee about the services of the EAP. Advise the alleged offender of the seriousness of any form of retaliation against anyone associated with the organization.

Interviews with Witnesses

1. Use a non-judgmental approach when interviewing any witnesses. The initial interview will be conducted by the supervisor, a member of the Human Resources Department, or a member of the Workplace Violence Prevention Team. The following information will be obtained:
 - Description of the type of interaction they observed between the alleged offender and the complainant
 - Names of any other witnesses
2. Explain the process that will be used to further investigate and document the incident.
3. If the witness is an employee, remind the individual about the services of the EAP.

Reporting Investigation Results

Following the investigations conducted by the supervisor, the Human Resources Department, and the Workplace Violence Prevention Team, there can be only three possible outcomes:

- There is no evidence to support the fact that a threat or violent incident occurred
 - The evidence is inconclusive
 - There is evidence to support the fact that a threat or violent incident occurred
1. When the evidence does not support the reported threat or violent incident, the individual who performed the initial investigation with the complainant will meet in person with that individual and advise him or her of the findings. The complainant will be advised to provide any additional information concerning the violent incident in writing. Additional investigations will be performed if and when further evidence is provided.
 2. When the evidence is inconclusive, both the complainant and the alleged offender will be informed separately of this finding by the individual who performed the initial investigation. The Workplace Violence Prevention Program will be reviewed with the alleged offender.
 3. When the evidence supports the allegation of violence, the alleged offender will be informed. Prior to this, the Human Resources Department, the Workplace Violence Prevention Team, the company's

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legal advisor, and a representatives from EAP will meet to review the measures available to eliminate the threat or violent act from the workforce and what steps should be taken to prevent a recurrence.

- The corrective actions identified should be appropriate to the violent action taken. For employees this may include:
 - Counseling for the alleged offender in conjunction with suspension or probation
 - Oral reprimand, written warning, and/or suspension
 - Transfer, reassignment, leave of absence, or resignation
 - Law enforcement involvement
 - Private investigation firms involvement
 - Consult with EAP. All of the measures listed above may trigger the employee to perform an escalated act of violence.
 - If the alleged offender is a long-term employee with a good record with the company, this may warrant more consideration than a new employee or an employee with prior violations
4. Prior to communicating the findings to the employee, the Human Resources Department, the Workplace Violence Prevention Team, the company's legal advisor, and the representatives from EAP will develop a plan and identify a location for this meeting.
 5. The supervisors of the alleged offender and the complainant will be informed just prior to the meeting.

Threats of a Different Nature

Telephone Threats

1. Remain calm and take the threat seriously.
2. Take notes of everything that is said or heard in the background. Try to get the person to identify himself or herself..
3. If the threat appears to be imminent, pass a note to someone requesting them to call the police.
4. If the threat does not appear to be imminent, the individual who received the call will notify their supervisor, the Human Resources Department, or the Workplace Violence Prevention Team.

Written Threats

1. If a written threat is received through the U.S. mail system or the internal office mail, keep the envelope and the written threat. Do not permit anyone to handle it. If possible find a larger envelope and place the evidence in it.
2. Print a copy of a threat received by e-mail.
3. Report the threat to the supervisor, the Human Resources Department, or the Workplace Violence Prevention Team.

Face-to-Face Client/Customer Threats

1. Remain calm. Do not argue or take any actions that may be viewed as threatening to the alleged offender. Implement verbal diffusion techniques.
2. Provide the alleged offender with options, "This or that can be done for you."
3. If at all possible, keep some object between you and the alleged offender.
4. Do not try to prolong the conversation.
5. Remove yourself from the situation as quickly as possible and report the workplace violence incident.

Clients, Customers, or Visitors Who Refuses to Leave

1. A letter to the local law enforcement agency, requesting their assistance with trespassers, has been issued by the organization.
2. If the clients, customers, or visitors do not have a legitimate business reason to be on the premises, ask them to leave.
3. If they refuse to leave, provide a distraction so a call can be made to the local law enforcement agency. This call should be made by someone other than the employee dealing with the client, customer, or visitor.

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The Aftermath of Violence

After phone calls have been made to the local law enforcement agency, the emergency medical services, and/or the fire department:

1. Employees who are trained and have a current certification, should perform first aid and CPR.
2. If the circumstance warrant, all available employees will be asked to clear the aisle way to permit the emergency crews to have better access to the injured employee(s).
3. If employees have been evacuated from the building, they are required to report to their designated site as identified in the company's emergency evacuation procedures.
4. Employees will not be permitted to leave the workplace until instructed to do so.

If a Severe Injury or Death has Occurred

1. Secure the area. Only employees who are needed to protect the scene will be permitted to remain, all others will be evacuated.
2. No one is permitted to touch or move anything.
3. All employees shall cooperate fully with the law enforcement agencies.
4. The (*insert company name*) Safety and Health Professional and/or the Risk Manager will conduct their own investigation after the secured area has been released by the local law enforcement agencies.
5. The (*insert department name*) will contact relatives of the injured or deceased employee. This information will be delivered in person to the relatives by the company's (*insert position title*).
6. The company's representatives will remain with the family until additional family members (or member of the clergy) arrive. These representatives may offer transportation to the hospital if appropriate.
7. A member of the Human Resources Department or a member of the Workplace Violence Prevention Team will contact EAP. Assistance will be provided to the family members of the employees involved, as well as to all of the company's employees.
8. The company will remain in contact with the family during the first few days. Additional follow-up will be conducted to ensure the family has received information concerning survivor benefits. Help will also be provided for non-work related benefits (e.g., Social Security survivor's benefits).

Employee Communication

Because of medical confidentiality, only limited details may be provided to employees concerning their co-workers' conditions. What will be provided by the (*insert department name*):

1. General information.
2. Regular updates, even if there is nothing new to report.
3. When appropriate, provide employees with ways to support the injured employee and his or her family, or the relatives of a deceased employee..
4. Advise the employees about the services of EAP.
5. Work related injured or ill employees will comply with the company's return-to-work policy.
6. Communicate the process and timelines that will be used to "return to normal business operations."

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Discipline for Noncompliance

Progressive disciplinary actions may be taken against any employee who fails to observe the Workplace Violence Prevention Program. These actions will comply with (*insert company name*) progressive discipline policies (and Union contract, if applicable).

(Signature of the President of the Company)

(Signature of the Union President, if applicable)

(Date)