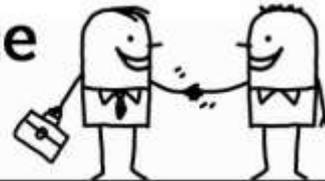


# Spotting & Handling Workplace Violence

**Preventing  
workplace violence**

**Everyone benefits!**



# Workplace Violence

- OSHA defines **Workplace Violence** as an assault, intimidating act, or threatening conduct which occurs in or is related to the workplace.
  - Physical harm
  - Verbal threats to inflict bodily harm
  - Vague or covert threats
  - Attempts to cause physical harm
  - Bringing weapons into the workplace
  - Stalking



# OSHA Requirement

- General Duty Clause – Employers are required to provide a safe and healthful work environment.
- OSHA has recognized that workplace violence is an occupational hazard in some industries and environments.
- Employers may be found in violation of the general duty clause if they fail to reduce or eliminate **recognized workplace violence hazards** that cause or are likely to cause death or serious physical harm to employees when there is a feasible method to abate the hazard.

# Written Policy



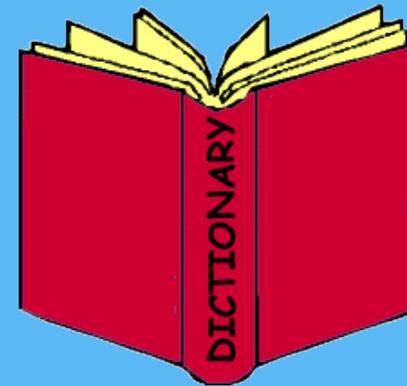
Create an anti-violence program that includes:

- Includes an anti-violence statement that covers all workers, patients, clients, visitors, contractors, and anyone else who may come in contact with company personnel and provides specific information regarding the consequences of non-compliance.
- Identifies potential outcomes taken if the policy is violated, including discipline or termination of employees when appropriate. Enforce policy consistently!
- Encourages prompt reporting of all violent incidents and recordkeeping of incidents to assess risk and to measure progress.

# Define Workplace Violence

Clearly define what will be considered violence or bullying in the workplace:

- Screaming?
- Freezing someone out?
- Insults and practical jokes?
- Threats of physical violence?
- Physical or mental intimidation?
- Sabotaging someone's work?
- Spreading rumors or gossip?
- Repeated communications via text messages, phone calls, Facebook messages, etc.?



# Employee Surveys

- Survey employees before and after making job or worksite changes, or installing security measures or new systems to determine their effectiveness.
- Survey employees periodically to learn if they experience hostile or threatening situations.
- Survey employees to evaluate effectiveness of program and opportunities for improvement.



# Complaint Procedures

- Require employees to report all acts or threats of violence to a supervisor or manager promptly.
- Define the ways in which an employee can raise a complaint, including who they can complain to and what responsibilities that person will have when a complaint is received.
- Include an anti-retaliation provision and make sure that employees know that they will not be retaliated against for bringing a complaint of violence or bullying to management's attention or for participating in an investigation.



# Investigation Procedures

- Investigate all complaints of violence in the workplace and develop a plan of action once findings are issued.
- Define the investigation procedures:
  - Who will be responsible for investigating a complaint?
  - Will the supervisor be responsible or Administrator?
  - When will claims be investigated?
  - How will the results of the investigation be communicated?



# Response Procedures

- **Create Response Team** that would be responsible for immediate care of victims, reestablishment of work areas and processes after incident and providing debriefing sessions with victims and coworkers.
- **Create Crisis Management Team** that would be responsible for investigating complaints of violent conduct or threats of violent conduct and providing support to supervisors in managing difficult employees.

# Employee Training

- Conduct mandatory and annual training for employees to learn:
  - How to recognize the earliest stages of a possible assault.
  - How to avoid or mitigate potential violent encounters, including how to protect oneself.
  - How to seek refuge and/or assistance if violence appears imminent.
  - How to report and document incidents of violence or aggressive behavior.
  - How to locate and operate safety devices.



# Spotting Warning Signs

- Noticeable changes in behavior
- Withdrawn
- Threatening emails, texts or behavior
- Aggressive with co-workers or supervisors
- Changes in productivity, professionalism and punctuality
- Noticeable changes in appearance and hygiene
- Pending or Anticipated Performance Improvement
- Family disruptions
- Death of a loved one
- Financial problems
- Loss of family member's job
- Gambling issues
- Romantic problems
- Displaying a gun in the workplace



# Respond-Disruptive Behavior



# Step #1

- Investigate disruptive behavior
  - Engage supervisor or workplace violence team
  - Determine a safe place to speak with employee
  - Speak calmly and respectfully with employee
  - Speak calmly and respectfully with alleged victim
  - Ask open-ended questions
  - State the anti-violence policy
  - Encourage contacting EAP

# Step #2

- Allow employee to stop disruptive behavior
  - State the Zero Tolerance Policy on Workplace Violence
  - Offer a time off
  - Offer EAP or anger management assistance
  - Obtain employee's agreement to stop disruptive behavior
  - Warn employee about consequences of further disruptive behavior
  - Ask employee to report any behavior they feel is disruptive
  - Create a timeline for company to check up on employee's progress
  - Alert company security or law enforcement if you think employee will erupt

## Step #3

Employee continues or increases disruptive behavior

- Document
- Suspend or terminate employee
- Inform about decision
- Alert security or police if volatile



# Respond-Direct Threats of Violence

- Reasonable belief of “direct threat”?
  - Duration
  - Nature and severity
  - Likelihood of potential harm to health and safety
  - Imminence
- Can employee perform essential job functions with or without a reasonable accommodation?
  - Interactive process with employee
  - Mental health evaluation may be necessary
  - Determine if a reasonable accommodation is feasible
- Document the “direct threat”
- Document discussion with the victim of the direct threat
- Reiterate Zero Tolerance Policy against Workplace Violence
- Determine whether to terminate or offer anger management
- Notify security or law enforcement

# Respond-Actual Violence/Bullying

- Apply Zero Tolerance Policy
  - State the Policy
  - Terminate; especially if physically violent
  - Determine when to advise employee of termination
  - Equally discipline or counsel the employees involved
  - Consistently apply discipline for similar situations
- Document the Violence
  - Written documentation
  - Photographs
  - Determine whether there is evidence to secure (emails, video, audio, weapons, etc.)





## support

- Provide prompt medical evaluation and treatment
- Report violent incidents to local police immediately
- Follow company protocols for dealing with the media
- Inform victims of their legal right to prosecute perpetrators
- Request the employee immediately notify company about unusual acts, such as employee or family members being followed or receiving threats on social media



Gina Cadogan  
Hamilton, Miller & Birthisel LLP  
[gcadogan@hamiltonmiller.com](mailto:gcadogan@hamiltonmiller.com)