

Workplace Violence Is Your Problem

*How WPV hurts every business,
why most companies do not protect
against it, and what Security can do*

By Marleah Blades

The study "Top Security Threats 2008" by Securitas Systems America finds that workplace violence continues to hold the top spot in the list of the Fortune 1000's biggest concerns, a dubious honor it has retained in this survey since 1999.

The result should not be surprising. High-profile mass shootings in the workplace have regularly garnered national attention over the years — from the series of post office shootings beginning in 1986 to the June mass murder-suicide at a plastics factory in Henderson, Ky. It is clear how such events and their aftermath, splashed across the headlines, can severely damage or even ruin a business.

However, mass shootings are the least likely form workplace violence will take, and the damages from its subtler forms can be significant. Park Dietz, M.D., Ph.D., founder of Threat Assessment Group, a workplace misconduct prevention training and consulting firm, puts it this way: "I would go so far as to say that if your only worry were a mass murder that would show up on CNN, (preventing workplace violence) is not worth the effort, because that's too rare.

The reason it is worth doing is that the lesser forms of misconduct that may escalate to violence affect every employer's bottom line every year, hidden from view by the reluctance of employees and supervisors to report problem behaviors."

What Workplace Violence Really Means

Workplace violence (WPV) does sometimes surface in the form of homicide or mass murder. It also encompasses assault, rape, and robbery, as well as stalking, making threats, and other behaviors that amount to harassment and intimidation. It can be perpetrated by a variety of individuals — employees, customers, contractors, managers, family members — on a variety of victims; it is not just about employee-on-employee violence.

It happens in all sizes of business in every industry, not just in companies where employees are in constant contact with customers and the public, although these employees are at the high-end of the risk spectrum. And it can be motivated by any number of conditions or circumstances, including psychological instability, revenge for a lost job or a personal slight, stress and problems at home.

Domestic violence merits special attention because it frequently migrates into the workplace. The National Institute for Occupational Safety and Health reports that domestic violence incidents that spill into the workplace account for 16 percent of female victims of job-related homicides, and numerous studies have found that a majority of female victims of domestic violence are harassed by their abusers at work.

Even if your workplace culture is open and friendly, and even if your business does not require much interaction with the general public, you are likely to be visited by some form of workplace violence. It is a remarkably multi-faceted threat that extends far beyond the infrequent, newsmaking mass murder. The damages it can inflict on a company are equally varied, but they all lead to one place: the business' bottom line.

Hitting Business Where It Hurts

Rosalind "Roz" Jackson, consultant and founder of Train Intervene Prevent, specializing in workplace violence prevention, can effortlessly recite a litany of ways in which WPV incidents hurt businesses. "There's a whole slew of them — everything from morale to money," Jackson says. "Negative publicity, damage to the company's reputation, the medical and cleanup costs if there is an incident and someone does get hurt. The list goes on and on."

The legal liability of a company at which a workplace violence incident has resulted in injury or death will vary depending on who is hurt, says John Thompson, partner at Oberman Thompson & Segal LLC. "If an employee is injured, the company's liability is normally limited to recovery under the worker's compensation system, because they have been injured on the job," he says. Therefore, the employee generally is unable to file a civil suit against the company because worker's compensation is regarded as his or her exclusive remedy. "On the other hand," Thompson says, "if a non-employee is injured, the sky's the limit."

Dietz is able to put an estimated price tag on various workplace violence incidents based on years of experience and research in the

A comprehensive workplace violence prevention program should include:

- Policies or guidelines regarding violence, threats, misconduct, weapons, intimate partner violence and bomb threats
- A system for reporting, investigating, assessing, documenting and managing all threats, misconduct and inappropriate behavior
- Access controls
- A security plan and procedures
- Pre-employment screening procedures
- A drug-free workplace program
- An employee assistance program
- Critical incident response procedures
- Training of all employees in their roles in each of the above

(Source: Dietz PE: "Threat Assessment, Workplace." In: Jamieson A, Moenssens A (Eds.): Wiley Encyclopedia of Forensic Science. New York: John Wiley & Sons, in press.)

field. "A mass murder will cost a larger company \$10 million or more, and may destroy a smaller company. A rape, mutilating assault or homicide for which they are found liable will cost them more than \$1 million. But the hidden issue is the harassment, threats and other behaviors that affect the productivity of 10 percent or more of employees at every company every week." Victimized employees may have trouble concentrating at work and are more likely to arrive late and leave early. They also tend to have high absentee rates.

In addition, the 10-percent statistic may grow if the behaviors directed at a single employee begin to affect the workers around him or her. If one person routinely receives threats by phone, e-mail or in-person, other employees who witness this may become afraid to come to work or may themselves become too distracted or worried to work efficiently.

All of these factors cost the company money, because it has to allocate more resources to get the same amount of work done. And while the cost of lost productivity is more difficult to see than the cost of a homicide or assault, it is perhaps a much more sinister problem: It is a constant, running drain on company resources.

Why Are not the Majority of U.S. Businesses Listening?

One might think that the profusion of workplace violence issues combined with their surprisingly high costs would have businesses across the country standing up and taking notice — and many are. As noted, the Fortune 1000 has seen WPV as its top security threat since 1999. But American business is much bigger than the Fortune 1000. A Bureau of Labor Statistics study in 2005 found that 70 percent of U.S. businesses did not have workplace violence prevention programs or policies in place, with small companies up to six times more likely to go without prevention

than their larger counterparts. That sad statistic leads to three possible conclusions:

1. Those responsible for preventing workplace violence do not recognize the importance of having a program or policy in place;
2. Executives or upper management are not providing the funding and support to create or maintain a WPV prevention policy or program; or
3. No one knows who should be responsible for WPV prevention.

Let's deal with these problems one at a time.

Why It Matters to Have a Program or Policy

First, a company with a written or even a verbal policy or program for preventing WPV will be more able to actually prevent it than a company that relies on employees' individual perceptions of problem situations without providing them any guidance. Without organized training, employees, managers and supervisors will not know the warning signs of WPV — they probably will not even know all the behaviors that fall under the definition of WPV — and they certainly will not know how to deal with these warnings or to whom they should report them.

As former manager for Georgia-Pacific's dedicated workplace violence prevention program, Jackson was given the opportunity to evangelize WPV's potential impact across the corporation, offering training on how to recognize and report signs of troubling behavior and trouble situations. "The benefit of having a dedicated program is that employees know there is somebody paying attention to this issue and there are people who are putting the training out there to prevent it who have the expertise to deal with it — trained folks that they can call and talk to about an issue," Jackson says. While smaller companies may not have the resources to create a dedicated program of this type, they can gain some of

these benefits by creating a solid policy, educating employees and outsourcing training and other functions where appropriate and necessary. Keep in mind, though, that any policy is only good if there is a culture present that enforces it consistently across the board.

Another reason it matters to have a written program or policy in place has to do with liability and compliance. While there are no federal rules in place specifically mandating workplace violence programs in private industry, the Occupational Safety & Health Administration's OSH Act Section 5 requires every employer to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees." If an organization shows systemic, repeated problems of a similar type that allow workplace violence to occur, it may be found in violation of this Act and liable for the applicable fines and penalties. This is not often done, however, says Thompson, who believes business' greater concern should be showing due diligence in a civil suit over a WPV incident.

"The primary claim in a civil lawsuit would be for negligence," Thompson says. "So, if you could show that you were acting like a reasonably prudent employer for a company of your size and this incident was unforeseeable, all of these things would absolutely be helpful." If a company could show a written policy or program for prevention in court, and if it tracked or recorded WPV incidents as part of that program or policy, it would likely assist them in court if a civil suit were filed.

In addition, says Thompson, "OSHA has published non-binding guidance for several industries on the issue of workplace violence, and there is a principle in negligence law that says if the government is giving guidance for what you ought to be doing and you are not doing it, it could be used as evidence that you are not acting in a reasonably prudent manner. It does not have the force of law or regulation, but if you are not at least doing what the government is suggesting, you may have a harder row to hoe." There are also individual state initiatives that should be considered, which deal with workplace violence-related issues, such as robbery.

How to Make the Case

If you as the security professional are the only person at your organization that recognizes the importance of WPV prevention, it is in your interest to try to gain support for a program or policy across the corporation and in the boardroom. Security's responsibility is to protect the business and its employees, and this issue impacts both.

This article provides a starting point for outlining the business risk of WPV to management and the board. Useful statistics and other information can be found at the Bureau of Justice Statistics (www.ojp.usdoj.gov/bjs), Bureau of Labor Statistics (www.bls.gov), and the National Institute for Occupational Safety and Health (www.cdc.gov/NIOSH). A consultant with legitimate credentials and extensive experience in workplace violence prevention may also act as a valuable resource in making the case to management.

Prior to approaching senior management, it is always good to try to get as much cross-functional support as you can. In this case, the buy-in of HR is critical, which leads to the third issue.

Whose Responsibility Is It?

The blueprint of an effective WPV prevention program or reporting structure will depend on the individual organization. However, having a cross-functional team of collaborative decision makers is a must. In a large corporation, this team may include Security, HR, Employment Law, Public Affairs, Employee Assistance, as well as other departments. In a smaller company, it may include the company president or CEO, building manager, office manager, counsel and hiring manager. The point is, because workplace violence risk management stretches across many organizational functions, an effective program or policy must rely on the educated collaboration of representatives of all those functions.

"The ideal executive champion of a WPV prevention program is the senior vice president of HR," Dietz says. "Where that person takes the lead, a company can have a superb program that endures. Where security is left to handle it, it is much tougher. In the end, security has to do all the dangerous and tough work, but without HR bringing information to the process, security too often becomes involved too late in the escalation process."

Unfortunately, HR and Security tend to clash over WPV responsibilities. According to Dietz, HR often perceives Security's participation in WPV prevention as a territorial threat. This is because there is overlap in their roles, Jackson says. "The HR piece of it is the behaviors. If someone is behaving inappropriately,



Commonalities with the Insider Threat

By Park Dietz, M.D., Ph.D.

Workplace violence and the insider threat share common features and common solutions. Both often arise from poor hiring decisions, especially in times of rapid growth or where hiring standards are compromised to fill positions. Both infiltrate gradually, outside the awareness of senior management, who are caught by surprise when the situation becomes critical or the damage has been done. Both can prove expensive or devastating to businesses of every size.

The common solutions can be found in comprehensive programs for preventing, reporting and responding to workplace misconduct. Pre-employment screening — including interviews by well-trained screeners — is the first line of defense, as this is where the decision is made to accept someone as an insider. The second line of defense is the recognition of early warnings among those who are already inside the organization. The warning signs of espionage overlap in part with warning signs that, unheeded, may lead to sabotage, lawsuits, suicide, threats or violence — and those signs unique to espionage can be taught in the same training programs that should be required of all managers, supervisors and employees. A good training program persuades each viewer to be alert to the signs and willing to report unconfirmed suspicions to those in a position to properly, safely and fairly investigate the matter.

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that is an HR issue; however, if they cross a line to where they make people feel unsafe, it becomes a security issue," she says. "In my opinion, this makes it very important that the two groups work very closely together. But it is not always easy to make that happen." This is why the cross-functional team is so important, and why Security should make a point early on of creating a positive relationship with HR — before the turf wars can crop up.

Jackson recommends a program where the workplace violence manager and staff train the top HR personnel, who then take the training to their managers and supervisors, who then train the employees at their sites. This structure, which is based on a program originally created by 3M and Threat Assessment Group, delegates accountability across the organization, ensuring a flow of training down the reporting chain.

According to Dietz, members of the cross-functional decision-making team, including the workplace violence manager, should be thoroughly trained as a team for one to three days and need to teach one another about their function's roles in workplace violence prevention so that all members can understand the overall picture of workplace violence risk management in order to make the most educated decisions. At smaller organizations, it may be best to outsource the expertise in these areas.

Then, managers and supervisors must be trained how to spot a psychiatric emergency, how to spot a troubled person and how to spot a troubling situation; along with what to do in each of these situations and whom to tell. These people need to understand that their job is not to attempt to resolve the issue or provide counseling but to report it to the trained personnel or outsourced experts on WPV.

At the next level, non-supervisory employees need to be trained on what to report to whom and why, and what to do if they themselves are in danger. Last, employees who will regularly come into contact with the public also must be trained on how to recognize situations or behaviors that should be reported, and how to avoid exacerbating the situation or getting in the way of appropriate mitigation.

Security cannot work alone to prevent workplace violence. We need support from above and across the aisles to create and maintain an effective policy or program that will keep our employees safe and our company out of harm's way. If your organization is one of the 70 percent without a program or policy, figure out why and start working with your colleagues to change it. Let them help you plug a major drain on your business' resources while protecting the safety of those entrusted to you. **STD**



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