Violence in the Workplace:

A Growing Problem in America

By Jason B. Morris, President and Chief Operating Officer

Workplace violence is a daily occupational risk and growing hazard for many workers in contemporary society. Every year over two million incidents of workplace violence occur in the United States, costing businesses $70 billion annually, including over $64 billion due to lost productivity.

In recent years, the issue has become a media sensation, focusing on a relative handful of horrific incidents. Compared to the overall majority of occurrences these events represent only a tiny example of a growing problem. Too often, workplace violence is regarded as part of the job and little is done to eliminate it.

More than 70 percent of U.S. businesses have *no policy* or formal program to address workplace violence, according to Kim Wells, executive director of the Corporate Alliance to End Partner Violence. Sadly, most employers address the issue after a violent incident has already taken place. And yet many potential incidents can be diffused when companies focus on their institutional and structural issues, rather than on individual workers.

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Roots of Workplace Violence

Workplace violence began generating concern among public and private sector organizations in the United States in the late 1980s, and awareness has increased steadily. While perceived as a threat to employees, no statistical information existed then to allow the proactive development of prevention programs and policies. At that time, statistics maintained by governmental agencies such as OSHA and state-level programs tracked employees that were injured or killed in the workplace, but provided no breakdown of deaths or injuries caused by current or former employees.

The third leading cause of workplace fatality is homicide, according to a 2008 report by the U.S. Labor Bureau of Labor Statistics. Surprisingly, the workplace homicide count dropped to 517 in 2008, a drop from the 610 reported in 2007. However, the drop can also be attributed to a smaller workforce due to the recession. Workplace suicides rose from 196 cases in 2007 to 251 cases in 2008, an increase of 28 percent and the highest number ever reported by the Bureau fatality census.

Incidents

The deadliest example of workplace violence in 2009 took place at Fort Hood, Texas, when Nidal Malik Hasan – a U.S. Army major serving as a psychiatrist – shot and killed 13 people and wounded 30 more. Mass shootings may dominate headlines, but smaller incidents are equally as devastating: earlier this year, the body of Yale University graduate student Annie Le was found stuffed in a research building wall on what would have been her wedding day. A Yale lab technician was arrested and charged with suffocating her; police described the horrific act as a case of workplace violence.

Other examples from the past decade include:

- November 2009**:** an engineer previously dismissed for poor performance allegedly returned to his former workplace in Orlando, Florida, and shot six people, killing one. The shooting came a day after the Fort Hood massacre.

- July 2003**:** six employees were killed by a plant worker at a Lockheed-Martin aircraft plant in Meridian, Mississippi, before he ultimately took his own life.

- April 2002: a disgruntled employee at a worldwide telecommunications firm in Raleigh, North Carolina, allegedly made threats to fly his airplane into his workplace. He was fired and arrested for terrorist threats.

- April 2002: in a medical clinic in the City of Industry, California, a technician shot and killed 3 clinic members, including one doctor, then turned the gun on himself.

- September 2001: at a Detroit auto parts plant, a man chased his former girlfriend through her workplace, eventually killing her and then turning the gun on himself.

Causes of Violence

Workplace violence has many causes, including economic, societal, psychological, and organizational issues. Economic causes include high stress, departmental reorganizing, mass layoffs, new technology, mergers, recessions and unemployment.

Many people believe in the societal causes of workplace violence: a changing society, violence on television and in the movies, music, and the availability of handguns – all of which can position violence as an accepted means of problem solving. Violent incidents may also result from physiological causes: employees who have experienced emotional, physical, or sexual abuse from childhood. Those dealing with domestic violence can also bring their "baggage" into the workplace.

The role that organizations play in workplace violence typically reflect their structure: authoritarian or autocratic management styles, strained relationships between employees and managers, the lack of a forum to address grievances, and stifled creativity.

Many managers focus their blame on disagreeable workers. The occasional disgruntled employee who snaps and lashes out at co-workers or employers is presented as the norm. In response to this stereotype, management assesses workers and job candidates for their alleged propensity towards violence. One common practice used to identify possible workplace violence in employees is psychological testing. These tests can help, but are generally perceived as intrusive and inappropriate. Such testing might be a good indicator for some employers, but it's not enough.

The principle causes of workplace violence include:

• Understaffing, where workers are forced to work alone or with inadequate co-worker support.

• Failure to train workers to recognize and defuse potentially violent situations.

• Failure to assess and determine which clients may exhibit violent or aggressive behavior.

• Failure to emphasize safety measures in the workplace.

• Failure to create and enact emergency procedures to address violent situations.

• Failure to highlight violent hazards and develop control measures, anti-violence workplace policies and training programs.

• Lack of support from employers.

The most prevalent however, is the ongoing attitude that violence will never happen in their place of employment.

Many times violence is not reported or recorded for a variety of reasons. Some violent incidents are perceived as too minor and are therefore not dealt with. Staff may also be reluctant to report violence for fear of being labeled as a problem, or of being

blamed for the incident. Many workers may see violence as part of their job, a risk they are expected to endure. Cases of verbal abuse are often seen as not worth reporting, particularly when the employer is not supportive of the worker's claim. For these reasons, the actual statistical extent of violence is not really known.

Who is at Risk?

The potential for violence can exist in any workplace; however, some employees are at greater risk due to the volume of people they interact with. Employees in the service industry and workers who handle large sums of money are more often at risk. The greatest risk of violence comes to those in the health care field – workers who interact with patients on a daily basis – as are police officers and security guards. Social service employees are also found in potentially violent situations. Additional high-risk jobs include: bus and taxi drivers, bartenders, workers in women's shelters, teachers, insurance compensation clerks, letter carriers, and people who may work alone.

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Finally, women were identified as more likely to be a victim of homicide in the workplace, according to a 2008 Bureau of Labor Statistics report.

Other trends involving victims:

• Physical assaults made up a higher proportion of all violent incidents in the workplace, representing 71% of all incidents of workplace violence. This compares to 57% of violent non-workplace incidents.

• Workplace violence was much more likely to come to the attention of police than violence outside the workplace, with 37% of workplace incidents being reported to the police compared to 17% of non-workplace incidents.

• Violent workplace incidents involving male victims were more likely than those involving female victims to come to the attention of the police (57% versus 20%).

Legal Issues

Employers hold liability in all areas of business, both civilly and criminally. Under the theory of the respondent superior, an employer is vicariously liable for any actions committed by its employees within the scope of their employment. That is, the employer can be held liable even if they did nothing wrong. The employer is liable for actions of the employee when the employee is working, even if the employee is acting against company policy.

Most importantly, employers can be held liable on the grounds of negligent hiring or negligent retention of an employee who has a known propensity for violence. Employers can and are being held liable for the willful misconduct of their employees, even if the employees' actions occur outside the scope or place of employment.

While these theories are not necessarily new, it's important to note the increase in negligent hiring and retention claims. Beginning in the 1980s, such claims have been on a rapid rise. This rise could be an emerging trend as courts increasingly show interest in not only determining guilt but in compensating the victim. The interest in compensation can lend itself to a search for "deep pockets," and the offender's employer is a likely candidate.

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According to a study by Liability Consultants Inc., a consulting firm specializing in premises liability, the average settlement in these cases is now over $1.6 million. Such sensational monetary judgments are sure to attract attention among potential plaintiffs and lawyers eager to try their cases. As awareness continues to increase, this type of litigation will likely gain more momentum. More than ever, employers need to clearly understand the impact of negligent hiring and retention, their responsibility to create a safe environment through employee selection, and what actions are necessary to reduce the risk of liability and loss.

Warning Signs

A disgruntled employee may return to his or her former place of employment after being terminated and commit murder or some other violent offense. Twenty five percent of these offenders commit suicide after the violent act. These perpetrators are most commonly disgruntled employees who were terminated, fired, laid off or may have had a romantic relationship with another employee.

Research of over 200 incidents of workplace violence revealed that in each case, the suspect exhibited multiple pre-incident indicators that included the following symptoms (based on research by The Workplace Violence Research Institute):

- Increased use of alcohol and/or illegal drugs
- Unexplained increase in absenteeism
- Noticeable decrease in attention to appearance and hygiene
- Depression and withdrawal
- Explosive outbursts of anger or rage without provocation
- Threats or verbal abuse to co-workers and supervisors
- Repeated comments that indicate suicidal tendencies
- Frequent, vague physical complaints

- Noticeably unstable emotional responses
- Paranoid behavior or increased mood swings
- States a plan to "solve all problems"
- Resistance and over-reaction to changes in procedures
- Increase of unsolicited comments about firearms and other dangerous weapons
- Empathy with individuals committing violence
- Repeated violations of company policies
- Fascination with violent and/or sexually explicit movies or publications
- Escalation of domestic problems
- Large withdrawals from or closing his/her account in the company's credit union

During post-incident investigations, employees and co-workers in each case stated that they observed one or more of these symptoms but considered them insignificant or just "weird" behavior. Unfortunately, these employees had not been briefed in recognizing symptoms of potentially violent behavior, nor given instructions on how to report such information.

Establishing a Safe Workplace

Employees not only deserve a safe place to work, but in many states the government mandates it! Companies who don't take preventative measures open themselves to liability, which includes costly litigation. Establishing company-wide policies and procedures is a proven way to curb this epidemic.

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Once a company has these controls in place, following them will become second nature. No company or organization can completely prevent or eliminate workplace violence, but following proper procedures and planning can reduce its chances.

If followed correctly, adding these plans to company policy can save companies billions of dollars in litigation and legal expenses.

1. Before an employee is hired, notify all applicants and perspective employees that a complete background check will be conducted. (See http://university.employeescreen.com for FCRA regulations) There is no safer way to curb workplace violence. Conducting a background check through a reputable employment screening agency is critical. Such checks may reveal a history of violence and incarceration, history of drug use, abuse, negligence, and other derogatory information. Companies may also find a lapse in employment history, including violence at another workplace where the employee was terminated and the incident never reported.

    A good employment screening company will find holes in an application and/or resume. This type of screening might also include other criteria such as a credit check, motor vehicle record check or a sex offender registry search. Companies should also consider adopting a recurring screening program for existing employees to see if they have been involved in any criminal activity since their hiring.

2. Develop a company-wide memorandum and update company polices and employee handbooks: Background checks are a necessary tool for incoming employees, but it doesn't end there. Employees must know that violating company policy, especially when it comes to violence or violent behavior, will not be tolerated.

    If an employee shows any warning signs, initiate a meeting with a superior. Any acts of aggression towards co-workers, clients and/or customers will result in termination and contracting the authorities. Developing this "zero tolerance" policy can eliminate the problem before disaster strikes.

    Employees should have a solid understanding of workplace violence and aggression:

    • Any act which may physically or mentally harm another person.

    • Behaviors that indicate violence.

    • Threats to harm or endanger others.

    • Threats to destroy property.

3. Develop a committee to deal with the issues. Laws and policies can change daily and it should be this committee's job to stay current and address issues within its own workplace. This committee should include: the senior "on-site" official, an HR manager, a company's legal representative, a security or loss prevention official, someone with expertise in sociological issues, and a psychologist (if available). The committee should oversee all issues dealing with in-house workplace violence and pre-employment screening. Quarterly memos should be provided to all employees. Other organizational steps include:

1. Make health and wellness a company priority

2. Take good security measures.

3. Conduct continuing employee evaluations.

4. Establish a confidential company hotline.

5. Conduct a yearly review of all procedures.

6. Develop a safe termination process.

The single biggest trigger of an attack is an employee's termination. Conducting it properly an make a big difference between a routine event and a crisis. Losing a job is a traumatic experience, so maintaining an individual's dignity and showing respect can make all the difference in the world.

Conclusion

In today's society no company is immune from the threat of workplace violence; prudent, proactive measures can reduce the likelihood of a tragedy and reduce the risk to your business. Growing evidence suggests that the workplace is becoming the least desirable place to be. Knowing and understanding that the problem exists and that it can happen to any company, even yours, is key.

Workplace violence doesn't end just by altering employees' behavior, but by altering the structure and nature of the workplace. Taking the necessary steps can decrease your likelihood of an incident. Aggression and violence is an inherently human characteristic, but it should never be tolerated or condoned in the workplace.

16	21%	52%	2%
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