
VIOLENCE IN THE WORKPLACE

by James M. Shaker

WHAT IS IT?

As defined by the National Institute for Occupational Safety and Health, workplace violence is “any physical assault, threatening behavior or verbal abuse occurring in the work setting.... Violent acts can include homicide, forcible sex offenses, kidnapping, assault, robbery, menacing, reckless endangerment, harassment, disorderly conduct, berating language, physical or verbal threats or vandalism of personal property.”

Violence in the workplace has increased over the past several years. Today, approximately two million people are subjected to some form of workplace violence each year. Conduct earlier unheard of at the workplace has now become commonplace. Every few weeks we hear of yet another tragedy occurring in some workplace setting. Awareness of this problem and the increased attention it has received will hopefully curtail the injury that it causes, not only to the employee who is the subject of the injury, but to all of the coworkers and to business. What all individuals who suffer workplace violence have in common is simply that the injury occurs at work. The sources and types of injury can be very different.

What are the types of workplace violence?

There are four principal categories of workplace violence:

1. Worker-to-worker
 - The violent individual is a current, former or prospective employee.
 - Violence may be between supervisors and subordinates or between coworkers of the same rank.
 - Motivating factor is interpersonal or work-related dispute.
2. Customer/client
 - The violent individual is a current or former customer, client or patient.
 - The violence occurs in the worker’s normal activities.
 - Certain workers, such as mental healthcare providers and law enforcement personnel may be at a greater risk of violence.
3. Personal relationship
 - Anyone with a personal relationship with an employee. This can be a friend, spouse, partner or relative who comes onto the workplace premises to either harass or injure a worker with whom the individual has a dispute.
 - Generally refers to individuals who are not employees or former employees.

- Is usually related to some domestic violence or a personal relationship between several individuals.

4. Random, unrelated acts

- Strangers with no legitimate relationship to the worker.
- Violent individual who has no legitimate business relationship.
- Primary motive can be theft.
- Deadly weapon often involved.
- Often times in situations where cash is available.

Of these four types, surprisingly enough, approximately 60% are in cases where the aggressor has no relationship to the workplace. Most common in this type of situation would be where someone comes into a late night retail establishment or other business that is highly at risk, to commit a robbery or some other criminal act. Second most frequent are cases of violence by customers, clients and patients. This is particularly observed in healthcare settings, law enforcement settings, social service settings and educational environments. The other two categories, that is worker-to-worker and personal relationships, are the least frequent.

What Laws Govern Workplace Violence?

1. Federal. There is no national federal legislation or regulations relating to prevention of workplace violence. OSHA has certain voluntary guidelines for workers in certain industries, such as late night retail, healthcare and the like. They are not required.
2. State Laws. There are no standard state laws that are aimed at workplace violence. There are certain laws that address issues in certain states of violence in a healthcare setting and violence in late night retail establishments.

Washington State OSHA regulations do require safety programs in workplaces, which include the prevention of “reasonably foreseeable” assault on employees.

What are the Highest Risk Industries in Washington State ?

According to the Department of Labor and Industries, the categories of highest risk industries include healthcare operations, law enforcement and security, child daycare facilities, drinking establishments, schools and housing.

What Can You Do to Reduce Risk of Workplace Violence?

1. Create a workplace violence program that includes training, instruction and reporting.
2. Define workplace areas as to those where third parties can enter and those where third parties cannot.
3. Mark any secured areas.
4. Identify individuals with violent behavior and address issues with individuals. This may be a warning sign.

5. Control access to work site.
6. Enforce policy prohibiting weapons.
7. Post policies.
8. Obtain restraining orders where necessary.

What Kind of Training Can You Implement?

Employee training should include all policies and procedures specific to your company, such as how to report unusual acts and/or threats of violence, how to diffuse threatening situations, how to obtain help if violence occurs, i.e., security systems and the like, employee drills of exit much like fire drills, and how emergency medical care can be obtained in the event of a violent act. Additionally, many law enforcement agencies provide training for workplace violence.

What Happens if Workplace Violence Does Occur?

How to Conduct an Investigation:

1. Obtain statements from all witnesses and photograph any involved areas and evidence.
2. Come up with a recommendation for corrective action. If the violence comes from a non-worker, follow up on what actions could be taken to have reduced the risk or eliminated the violence.
3. Finally, if a violent act does occur, you may wish to consider counseling for employees at the workplace who either observe the violent acts or have suffered as a result of them.

What Kinds of Claims Can Be Made Against Employers for Workplace Violence?

1. The most common form of workplace violence between coworkers is made in the nature of sexual harassment, assault, and/or discrimination.
2. A claim based upon negligent hiring, negligent supervision, and/or negligent retention.
3. A claim based upon invasion of privacy.
4. An employer can be liable for the wrongful acts committed by their employees when the act is committed on the job.
5. Employees injured and who are not covered under workers compensation. Although an employee can bring a workers compensation claim, if it is determined that the employer could have reasonably foreseen the injury, which the employee suffered as a result of the workplace violence, the employee may have a claim directly against the employer.
6. Workers compensation and OSHA violation charges.