WORKPLACE VIOLENCE:
Are You Prepared?
According to the Occupational Safety & Health Administration, workplace violence is defined as any act or threat of physical violence, harassment, intimidation, or other threatening behavior that occurs in a work setting. Incidents, which range from threats and verbal abuse to physical assaults and even homicide, can involve employees as well as business clients, customers, and other visitors.1

Steve Deig, a technical director in Helmsman’s Risk Control Services group, states, “Keeping employees, customers, and visitors safe is a priority for any business. While slips, trips, and falls or lifting injuries may be more top of mind when it comes to workplace exposures, violence is a real threat and affects businesses of all kinds.” In fact, nearly 2 million workers in the United States report being victims of workplace violence every year. Employers should understand how workplace violence can affect their companies and what they can do to minimize the risk.

Potential Employer Liability

Understanding your risk can help you identify and prioritize actions needed to better safeguard your business. Consider the following examples:

■ **Vicarious liability:** An employee violates company policy and detains a suspected shoplifter. While vigorously restraining the suspect, the employee knocks over and injures a nearby customer. The employer could be held liable for the employee’s actions and the customer’s injuries.

■ **Negligent hiring liability:** During an at-home service call, a newly hired employee steals money and injures the customer. The employer did not perform a background check, and the employee’s record indicates several recent criminal larceny convictions. As the employer failed to exercise reasonable care in selecting the employee, he exposed others to unreasonable risk.

Examples of workplace violence include:

- Threatening behavior
- Verbal or written threats
- Harassment
- Verbal abuse
- Physical attacks
- Bullying
- Stalking
- Emotional abuse
- Homicide

■ **Premises liability:** After making a purchase, a customer is assaulted and robbed while walking to his vehicle. Several of the store’s parking lot lights are not working, and a section of the security fence is damaged. By not having adequate lighting and fencing in place, the employer did not take appropriate measures to keep its premises safe.

These are just a few examples of how a business could be liable for workplace violence incidents. Consult with your legal counsel to determine how these or other exposures apply to your business’s operation.
The Financial Implications

Any life lost as a result of workplace violence represents the highest and most devastating cost for a business, as well as for families, friends, and co-workers. No matter the type or outcome of an incident, employers can also sustain other costs related to lost productivity, safety and security upgrades, crisis communications, survivor counseling, lost sales and contracts, cleaning and renovations, increased insurance premiums, and more.

According to the National Institute for Prevention of Workplace Violence Inc.’s 2013 Workplace Violence Fact Sheet:

■ Workplace violence costs an estimated $121 billion a year nationwide.
■ Nonfatal assaults result in more than 876,000 lost workdays and $16 million in lost wages.
■ The average out-of-court settlement and jury duty award for this type of litigation can approach $500,000 and $3 million, respectively.

The effect on employee morale and brand reputation, while more difficult to quantify, also cannot be overlooked. While most large companies have the infrastructure and financial resources to manage the aftermath of a high-profile violent event and move forward, recovery may be much more difficult for smaller businesses. For this reason, it’s important to minimize your business’s risk.

Minimizing Your Exposure

There are several actions that employers should take to mitigate the risk of workplace violence. To minimize the chance that employees, customers, and others will be exposed to a violent incident, Deig suggests that businesses:

■ Adopt a zero-tolerance policy: Make it very clear to employees that any type of violence is unacceptable and will not be tolerated. The policy should communicate that all acts and threats of violence will be taken seriously, promptly investigated, and documented. Anyone in violation of the policy is subject to disciplinary action, including termination. Consider discussing the policy as part of new hire orientation/training or incorporating it into your employee handbook or manual.

Workplace violence incidents are categorized into four types:

■ **Criminal intent (Type 1):** The violent act is committed by a person or group with no legitimate relationship to the business. Violence resulting from robbery, trespass, or another criminal act, including terrorism, falls into this category.

■ **Customer/client (Type 2):** The violent act is committed by a person or group with a legitimate relationship to the business, such as a customer who buys a product/service or a vendor who provides a product/service.

■ **Employee (Type 3):** The violent act is committed by an individual who has an employment relationship, either past or current, with the business, including front-line employees, supervisors, managers, and independent contractors. Violence that occurs outside the workplace but arose from the employment relationship is included in this category.

■ **Personal relations (Type 4):** The violent act is committed by an individual who has a personal relationship with a current or former employee, such as a relative, current or former spouse, or partner, friend, or acquaintance.

■ Establish consistent hiring and termination policies: For hiring, conduct background checks, request that applicants disclose prior employment history and convictions (if legally permissible), and follow up with provided references. At the end of employment, collect keys, badges, or other items that identify the individual as an employee. Consider changing security codes, combinations, keypads, and locks. Escort the individual off the premises immediately after notice and do not allow the individual to return. Review your hiring and termination criteria with legal counsel to ensure they are appropriate.
- Make counseling services available: As a preventive measure, employee assistance programs or community counseling services can offer support to troubled employees. After a violent incident, these services can provide crisis management support and grief counseling to those affected.

- Educate and train employees about workplace violence: Train all employees, including front-line workers, supervisors, and managers, on how to recognize problematic behavior and warning signs and how to respond if they are subject to or witness workplace violence.

- Install proper security safeguards: Maintaining physical control of a property can be an effective way to prevent workplace violence. Consider video surveillance and alarm systems; locks, fences, and gates; extra lighting; and keycards or electronic entry controls. Train employees on proper use and inspect safeguards frequently to identify gaps.

- Develop an emergency response plan: The plan should detail how to respond to an emergency and cover areas such as how to report incidents, evacuation procedures, contact information for those who should be notified after an emergency, and procedures for managing the media. Establish and maintain relationships with local police and fire stations and make them aware of your plan.

We provide guidance and resources on ways to help safeguard your business against workplace violence and how to respond in the event of a threat. By being prepared, you will be better able to minimize your business’s risk while also providing a safe establishment for your employees and customers.

Does your company have a workplace violence policy in place?

To learn more about steps you can take to help safeguard your business from workplace violence, visit www.helmsmantpa.com or write to info@helmsmantpa.com.

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