

# Violence At Workplace

## Tips to stay safe

 By Kyle Abraham

**W**orkplace violence is a sad reality of today's world. The Bureau of Labor Statistics reported that each year nearly 600 homicides and over 23,000 significant injuries are caused due to workplace violence.

Last fall we heard about a former UPS employee who walked into a facility in Alabama and shot and killed two people, and a recently terminated Vaughan Foods employee in Oklahoma who returned to the workplace, attacked and killed a former co-worker.

Unfortunately, the question is not *if* an incident of workplace violence will occur, but *where* will the next incident occur. If it were to occur at your workplace, would you be prepared? For a lot of us, the answer is 'no'. If you are involved in an incident of violence, your survival may depend on whether or not there is a plan in place.

Employers do not possess the power to fix the social forces that contribute to workplace violence, but they can control their efforts to prevent workplace violence. In fact, employers have a legal responsibility to do so. The Occupational Safety and Health Administration (OSHA) considers workplace violence a recognized occupational hazard in some settings, and, like other safety issues, employers must take appropriate precautions.

In fact, OSHA recently updated its Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers, and these guidelines may serve as a great resource for employers in all industries.

To protect employees, employers should take the following steps:

- Research previous incidents
- Conduct a site visit
- Develop a written plan
- Train employees on the plan
- Test the plan
- Revise as needed

Research should not be limited to their own facility; however, employers should also research incidents at sites similar to their operations. For example, employers with a perimeter gate and access badges can learn valuable lessons about removing former employees' access to the facility by studying the September 2013 incident at the Navy Yard in Washington, DC.

Conducting a site visit allows employers to assess possible sources of threats and whether the current facilities provide adequate protection and resources in the event of an incident. A site visit may reveal some simple changes that could mean the difference between life and death, such as installing a lock on an office door to provide an effective hiding place from intruders.

An office re-model presents a great opportunity to re-design the workspace to prevent entrapment of employees or to build controlled access to employee work areas.

Employers also need to develop a written plan. The plan should instruct employees how to prevent or defuse an incident of violence. When employees spot the warning signs of escalating behavior, such as confusion, frustration, blame, anger, and finally hostility, they should contact their supervisor. Supervisors should be trained on the appropriate strategic response to the escalating behavior. Employ-

ers should also develop procedures for employees to discreetly alert supervisors and co-workers of an escalating situation and the need for assistance. For example, it is a common practice in hospitals to alert staff about emergencies by using a public address system, and "code silver" typically indicates a combative person with a weapon. Such a warning provides employees the opportunity to take steps to protect themselves.

If it is not possible to prevent an incident of workplace violence, employees should be trained on how to respond appropriately. There are three things employees can do that make a difference: Run, Hide, Fight.

First, if employees can get safely out of harm's way, they should do so. Employees should help others too, but not at the risk of slowing down their own exit. If employees do not have a safe escape path, they should find a place to hide.

Employees should turn out lights, lock doors and silence cell phones. Only as a last resort should employees try to engage the intruder. It is important for employees to know that first responders are not there to evaluate individuals or attend to the injured; they are focused on stopping the intruder. Employees need to remain calm and hidden until authorities communicate that the scene is safe. These steps can make a difference in employees' survival.

Finally, it is not enough to have a great plan; employers must drill on the plan, too. Similar to fire drills, it is a best practice for employers to conduct workplace violence drills. Such drills require careful planning to ensure employees and visitors understand the incident is simulated. Placing a camera on a simulated intruder provides great data to analyze how employees responded and how to improve their response. This data will aid with the final step for employers, revising the plan as needed.

It is often said, nobody plans to fail; they just fail to plan. The consequences of employers failing to plan for an incident of workplace violence could have dire consequences. Employers may want to avoid planning for a situation that seems, altogether, too terrible to consider; however, preparing your employees for *safety* will demonstrate that you care for their well-being. Employers can prepare employees for an incident of workplace violence by training and equipping them on how to properly manage the crisis. **L&C**



**Kyle Abraham** represents management in both traditional labor and employment law matters. In his employment law practice, Kyle works closely with employers to develop effective workplace policies and provide proactive advice and counsel, and he defends employers involved in litigation. Kyle is an experienced litigator who has successfully represented clients before U.S. district courts, Oregon and Washington state courts, the Equal Employment Opportunity Commission, Oregon's Bureau of Labor, and Industries, and other state and federal agencies.

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