

## **After Atlanta, Can It Happen Here? Violence In the Workplace By Karen Sutherland**

*Karen Sutherland is the Chair of Ogden Murphy Wallace, P.L.L.C.'s Employment Law Practice Group. She represents employers on workplace issues. Her employment law experience includes (among other things) investigating harassment and discrimination claims, sexual harassment training, employee handbooks, defending cities, counties and private employers regarding state and federal sex, age and disability discrimination law, breach of employment contract claims, Trade Secrets Act claims, tortious interference and defamation. Ms. Sutherland is licensed to practice law in Washington State only. This article is based on Washington State and Federal law.*

The recent tragic shootings in Atlanta, following on the heels of the Columbine shootings, raise questions about whether Americans are becoming more violent. Businesses are wondering: Can it happen here? Or is violence in the workplace limited to a few well-publicized incidents?

In 1993, assaults and violent acts became the leading cause of occupational fatalities in California. There was a 25.1% increase in workplace homicides from the prior year, and represents 31.2% of the total fatalities, according to CAL/OSHA.

On a national level, NIOSH (the National Institute for Occupational Safety and Health) reports that homicide is the second leading cause of death for all workers. For all women and for employees under age 18, homicide is the #1 cause of death in the workplace. The majority of workplace homicides are robbery-related crimes (71%). Nine percent are committed by present or former employees. Seventy-six percent of all homicides in the workplace are shootings.

As for violence that does not result in death, the National Crime Victimization Survey shows that nearly 1 million employees were assaulted at work. This figure represents 15% of the total acts of violence reported per year. Sixteen percent of the workplace assaults resulted in injuries.

A study by the Workplace Violence Research Institute turned up an estimated 16,400 threats, 723 attacks and 43,800 incidents of harassment per day in the workplace.

Who is at risk? Most nonfatal workplace assaults reported by the Bureau of Labor Statistics occurred in service (64%) and retail (21%) industries. Sixty-one percent occur in private companies; 8% were self-employed. The "postal worker syndrome" may be at least partly true; government employees are only 18% of the workforce, yet 30% of assault victims are government employees.

Women are more likely to be assault victims at work (56% of the total), and are more likely than men to be attacked by someone they knew. Five percent of workplace assaults on women were by a present or former boyfriend or husband.

Liability issues are raised by workplace violence. Negligent hiring and negligent retention claims can be made by customers or vendors against an employer for violence by an employee. OSHA and WISHA workplace safety regulations may apply if the employer knew or should have known of the danger.

Worker's Compensation immunity does not apply where the employee is a victim of an intentional act by the employer, leaving employers open to suits by employee victims of violence.

The Americans with Disabilities Act and state laws against discrimination also must be taken into consideration in dealing with employees or customers with mental illnesses because of the duty to reasonably accommodate mental disabilities.

These issues, along with lost productivity and the emotional costs of violence in the workplace, are strong incentives for businesses to take action.

What can be done to prevent workplace violence?

- Adopt a policy against violence in the workplace.
- Train employees on how to handle potentially violent situations and how to recognize risk factors in employees and others who are regularly present in the workplace.
- Carefully screen employees during the hiring process.
- Use incident report forms for any acts or threats of violence.
- Adopt an EAP (employee assistance program) and encourage its use among employees.
- Keep a list of resources such as mental health providers who can evaluate dangerous employees or situations, the local police or sheriff department, a lawyer familiar with workplace violence issues, and the name and contact number for loved ones or next of kin.
- Appoint a traumatic incident contact person who will be responsible for dealing with press, family and relatives if an incident occurs.
- Make violence in the workplace issues a regular subject of safety committee meetings, or appoint a committee with responsibility for implementing and regularly updating safety measures.
- Ban weapons (especially guns) in the workplace.
- Adopt environmental measures such as physical barriers that separate workers from the public ("bandit barriers," remote-lockable doors to office, warehouse or factory areas, key cards and identification badges for employees and authorized visitor), increased lighting, and increased visibility through display windows.
- Develop disaster evacuation plans similar to those used for fire drills that would be implemented upon broadcast of a code word or phrase.
- Hire security guards or security patrols.
- Have a "panic button" that alerts 911 or a security company.
- Re-evaluate money-handling procedures and garbage disposal or other tasks that take employees outside to unsecured areas, especially at night.

There are no sure-fire guarantees, but these steps and others can substantially reduce the risk of a violent act in your workplace. For more details and additional resources, an attorney who focuses on workplace and employment issues and training can be a valuable source of information.

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