



## Understanding Workplace Violence

A growing concern for employers across the country is the increase in workplace violence. Today, roughly two million people fall victim to workplace violence each year. Despite workplace violence occurrences being on the rise, nearly half of U.S. employers report they are unprepared to prevent and respond to incidents on the job, according to the National Safety Council (NSC).

Whether it is the threat of a shooting or a verbal assault or incident such as harassment, intimidation or physical violence, it



is an employer's duty to keep employees safe and understand their role and responsibility in creating a safe work environment.

Workplace violence includes "any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site," according to the Occupational Safety and Health Administration (OSHA). Acts of violence and other injuries is currently the third-leading cause of fatal occupational injuries in the United States, according to OSHA. It affects employees, customers, and visitors. Among those with higher risk are workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.

### Understanding Warning Signs

While there is no way to predict an attack, you can be aware of behaviors in employees and co-workers that might signal future violence, according to the National Safety Council (NSC):

- Unexplained absenteeism, change in behavior or decline in job performance
- Resistance to changes at work or persistent complaining about unfair treatment
- Violation of company policies
- Emotional responses to criticism, mood swings
- Paranoia
- Depression, withdrawal or suicidal comments

The United States Department of Labor ("DOL") classifies three levels of violence and what the appropriate response should be for each  
DOL Workplace Violence Program | U.S. Department of Labor

## Enforcement

There are currently no specific OSHA standards for workplace violence. However, under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970, employers are required to provide their employees with a place of employment that is "free from recognized hazards that are causing or are likely to cause death or serious physical harm."

OSHA has developed Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence, which provides guidance and procedures to be followed when conducting inspections and issuing citations related to the occupational exposure to workplace violence.

In addition to OSHA scrutiny, employers can be open to other outside legal action such as claims of negligent hiring, negligent retention and training.

## Mitigating Risk of Workplace Violence

Employers can help minimize the risk of workplace violence by taking some proactive measures including:

- Craft a workplace violence prevention program. OSHA believes that a well-written and implemented workplace violence prevention program, combined with engineering controls, administrative controls and training can reduce the incidence of workplace violence in both the private sector and federal workplaces.
- Adopt a zero-tolerance policy. Workplace violence is serious and there should be a zero-tolerance policy towards workplace violence. It should be clearly communicated that the company takes the safety of its employees, customers, and visitors very seriously and prompt action will be taken to ensure they are protected.
- Create a culture of safety. Employers should also foster a workplace culture in which psychological safety is prioritized, and where all workers feel empowered to voice concerns and initiate broader safety conversations. Make it clear that the company prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting an incident of workplace violence, pursuing a workplace violence complaint, or cooperating in an investigation.

## Kaufman Dolowich Can Help

Kaufman Dolowich's team of employment law attorneys can assist employers with:

- Developing workplace prevention programs and policies
- Providing workplace training
- Evaluating potential workplace risks
- Assistance in responding to workplace complaints
- Investigation of workplace incidents