



How Well-Protected is Your Workspace from Workplace Violence?

April 4, 2019

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Agenda

- Identifying volatile individuals and situations
- Plans and prevention
 - Employer OSHA obligations
 - Key Elements of an Effective Workplace Violence Prevention Plan
- Communication and Training
- Workplace Site Assessment

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Identifying Volatile Individuals and Situations

- **High Stress Situations**
 - Interviewing and Hiring
 - Employee Investigations
 - Terminations
 - Non-work Legal Issues
- **It Starts With Hiring**
 - Background Checks
 - Reference Checks
 - Training Interviewers and HR Team

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Cues to Recognize

- **Workplace Bullying**
 - Aggressive communication
 - Manipulation of work
 - Humiliation
- **Behavioral Cues**
 - Tearful, fearful, paranoia, guarded
 - Speaking to others that are not present
 - Darting eyes and looking elsewhere
 - Angry or irritable, teeth and hand clenching
 - The individual repeats questions, you may have to repeat questions/requests, they do not seem to process information/instructions

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Plans and Prevention

- Have a plan for dealing with workplace violence and ensure all employees are familiar with it.
 - Is adequate and trained staffing available to protect workers against assaults or other violence?
 - Is there a “buddy system” for when workers are in a potentially dangerous situation?
 - Does the workplace have security measures in place in an effort to prevent violent situations?
- At a minimum the plan must include:
 1. Escape routes
 2. Law enforcement notification

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Employer OSHA Obligations

- There is no federal law establishing a duty to prevent workplace violence against employees.
- **But**, an employer has a duty to provide a safe working environment under the federal OSH Act, which regulates workplace health and safety.
- OSHA issues regulations under the OSH Act and enforces an employer's duties under the Act by:
 - Conducting compliance inspections.
 - Issuing citations for violations.
- Employers are not required to comply with OSHA's guidelines and recommendations, but employers that follow them can use their compliance to defend against a claim that they breached the general duty clause.

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Key Elements of an Effective Workplace Violence Prevention Plan

- OSHA recommends **five key elements** of effective workplace violence prevention:
 - Management commitment and employee involvement.
 - A worksite analysis of security.
 - Hazard prevention and control.
 - Safety and health training for employees and management.
 - Recordkeeping and workplace violence prevention program evaluation.
- OSHA recommends employers institute several management steps, including, for example:
 - Allocating sufficient resources to prevent violence.
 - Developing a system of accountability for implementing a violence prevention program (such as creating a workplace safety team).
 - Creating a zero-tolerance policy for workplace violence

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Communication and Training

- Ensure workers are trained in the emergency response plan
- Train workers to report violent incidents and threats
- Employees should be trained in ways to prevent, avoid, and defuse potentially violent situations
- Above all,
 - ensure that the person who greets people (security, secretary, receptionist) is trained and has situational awareness.
 - They need to know when to call police. They need to be aware of potential situations (i.e. argumentative, threatening client is coming in that day).

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Additional Resources

Other resources provided by the State Bar of Arizona
Workplace Violence Checklist:

<http://www.azbar.org/media/1769811/violenceworkplacechecklist.pdf>

Presentations:

<http://www.azbar.org/professionaldevelopment/practice20/violenceinthelegalworkplace/>

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Thank you!



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Jay Zweig practices employment law and commercial litigation. Mr. Zweig represents private businesses, public corporations and governments in avoiding and resolving employment law disputes. Mr. Zweig has more than 25 years experience in representing employers in matters related to human resources, preventing and defending lawsuits related to contracts and non-compete agreements, sexual harassment, discrimination, wage and hour law, whistleblower claims, class action, OSHA, and workers' comp bad faith issues. He has been lead counsel in federal and state court trials for clients that range from start-up ventures and professional services firms to Fortune 100 companies.

A contributing author of the *Arizona Employment Law Handbook*, Mr. Zweig is a frequent speaker and seminar instructor on hiring and firing, sexual harassment, and risk management issues facing employers.

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MITIGATING WORKPLACE VIOLENCE

JOHN CURRY



INTRODUCTION



- DIRECTOR OF TRAINING AND DEVELOPMENT FOR ANDERSON SECURITY AGENCY/ACADEMY
- OVER 20 YEARS OF SECURITY EXPERIENCE
- FORMER SERGEANT WITH GEORGIA DEPARTMENT OF CORRECTIONS
- FORMER NUCLEAR SECURITY FIELD TRAINING OFFICER
- NRA CERTIFIED FIREARM INSTRUCTOR
- SPECIALIZATION IN CRITICAL INFRASTRUCTURE SECURITY



WORKPLACE VIOLENCE DEFINED

- ANY ACT OF AGGRESSION, VERBAL ASSAULT, PHYSICAL ASSAULT, OR THREATENING BEHAVIOR THAT OCCURS IN THE WORKPLACE ENVIRONMENT AND CAUSES PHYSICAL OR EMOTIONAL HARM TO GUESTS, STAFF OR VISITORS.
- INCLUDES OVERT AND COVERT BEHAVIORS RANGING IN AGGRESSIVENESS FROM VERBAL HARASSMENT TO MURDER.



MYTHS OF WORKPLACE VIOLENCE

1. IT WON'T HAPPEN HERE!
2. THERE IS NOTHING WE CAN DO ABOUT IT.
3. MANAGEMENT AND THE AGENCY JUST DON'T CARE.



WORKPLACE VIOLENCE STATISTICS

- ALMOST 2 MILLION EMPLOYEES SUFFER NON-FATAL WORKPLACE ASSAULTS.
- HOMICIDE IS THE FOURTH-LEADING CAUSE OF FATAL OCCUPATIONAL INJURY IN THE US.
- HOMICIDE IS THE LEADING CAUSE OF WORKPLACE DEATH FOR FEMALES.
- MOST NON-FATAL WORKPLACE ASSAULTS OCCUR IN THE SERVICE INDUSTRY, TYPICALLY BY THE GUEST/CLIENT.
- BUREAU OF LABOR STATISTICS: 50% OF NON-FATAL INJURIES TO WORKERS FROM ASSAULTS AND VIOLENT ACTS OCCUR IN SOCIAL SERVICE SETTINGS.



WORKPLACE VIOLENCE PREVENTION

- THREE CATEGORIES OF AN EFFECTIVE WORKPLACE VIOLENCE PREVENTION PLAN
 - ADMINISTRATIVE
 - BEHAVIORAL
 - ENVIRONMENTAL



ADMINISTRATIVE COMPONENTS

- WORKPLACE VIOLENCE PREVENTION POLICY
- NO REPRISAL REPORTING POLICY
- DOCUMENTATION AND RECORD KEEPING
- INCIDENT REPORTING PROCEDURES/STRUCTURES



BEHAVIORAL COMPONENTS

- TRAINING AND EDUCATION
- POST INCIDENT RESPONSE PROCEDURES
- POST INCIDENT REPORTING PROCEDURES



ENVIRONMENTAL COMPONENTS

- WORKSITE AUDIT/ANALYSIS
- PANIC ALARMS
- ACCESS CONTROLS
- PHYSICAL LIGHTING



DEPARTMENTAL RISK ASSESSMENT

- CERTAIN RISK FACTORS HELP IDENTIFY IF A DEPARTMENT IS A LOW, MEDIUM OR HIGH RISK. DEPARTMENT MANAGERS MUST ALSO HAVE THE TRAINING TO IDENTIFY POTENTIALLY DANGEROUS SITUATIONS AND KNOW THE PROCEDURES FOR RESPONDING TO AND REPORTING THEM.
- MANY COMPANIES UTILIZE A SECURITY MANAGEMENT PLAN TO HELP IDENTIFY RISK FACTORS IN ALL DEPARTMENTS AND WORK AREAS.



DEVELOPING PERSONAL SAFETY HABITS

- IDENTIFY LIMITING HABITS
- THE 21 RULE
- CREATING NEW HABITS
- TAKING ACTION
- NO RETREAT, NO SURRENDER POLICY
- EVALUATE YOURSELF
- BENEFITS AND COMMITMENT



WHO COMMITS VIOLENCE?

PEOPLE DO!

- CHARACTERISTICS OF INDIVIDUALS WHO COMMIT VIOLENCE
 - STRANGER
 - CLIENT/PATIENT
 - LATERAL
 - DOMESTIC
 - EXTREME



INDICATORS OF VIOLENCE

- DIRECT OR VERBAL THREATS OF HARM
- INTIMIDATION OF OTHERS BY WORDS AND OR ACTIONS
- REFUSING TO FOLLOW POLICIES
- HYPERSENSITIVITY OR EXTREME SUSPICIOUSNESS
- EXTREME MORAL RIGHTEOUSNESS
- INABILITY TO TAKE CRITICISM REGARDING JOB PERFORMANCE
- HOLDING A GRUDGE



SAFETY MEASURES – ESCAPE PLANS

- WHAT IS YOUR ESCAPE PLAN IN THE DEPARTMENT YOU WORK IN?
- WHAT WOULD YOU DO IF SOMEONE INVADED YOUR PERSONAL SPACE?
- DO YOU KNOW HOW TO GET OUT OF YOUR WORKPLACE OR PARKING STRUCTURE SAFELY IF NEEDED?
- HAVE YOU EVERY CONSIDERED PLANNING FOR ANY OF THESE AREAS?

EMPLOYEE TRAINING



- INCREASE AWARENESS
- INCREASE CONFIDENCE
- INCREASE OVERALL SAFETY
- INCREASE QUALITY OF LIFE
- INCREASE SELF-IMPROVEMENT
- INCREASE SENSE OF OVERALL PEACE
- INCREASE ABILITY TO PROTECT OTHERS
- REDUCE FEAR
- REDUCE STRESS
- REDUCE INJURIES
- REDUCE LIABILITY RISK
- REDUCE LOSS OF PROPERTY
- REDUCE FEELINGS OF INADEQUACY
- REDUCE INABILITY TO RESPONSE TO SITUATIONS

CONTACT INFORMATION



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