

Be Aware and Prepare: Best Practices for Preventing and Addressing Violence in the Workplace



A Quick Survey

Question

Did your company experience one or more violent incidents in the workplace in 2018?

Question

Did your company see an increase in accommodation requests in 2018 involving mental illness and/or psychological impairments?

A Few Statistics

Workplace Violence

- Effects between 1.5-2 million U.S. workers annually
- Homicide is the fourth leading cause of fatal occupational injuries in the workplace in the U.S.
- Figures likely to grow in stressful times (economic crisis, etc.)
- Murder is leading cause of death for women in the workplace
- Workplace incident costs an average of \$800,000

From the Bureau of Labor Statistics, Census of Fatal Injuries Summary, 2016: <https://www.bls.gov/news.release/cfoi.nr0.htm>.

Violent Crime at Work

- **One in six violent crimes occurs at work**
 - **7% of all rapes**
 - **8% of all robberies**
 - **16% of all assaults**

Department of Justice, Bureau of Justice Statistics, Bureau of Labor Statistics, Center For Disease Control



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- In addition to lives altered and lost, there is a major financial impact on corporate America
 - Cost of workplace violence – \$121 billion
 - Non-fatal assaults cost more than 876,000 lost workdays and \$16 million in lost wages.
 - A report commissioned by the Department of Justice finds that there are between 1.7 and 2 million incidents of workplace violence annually.
 - It was found that 500,000 employees lose 1,751,000 days of work per year as a result of workplace assaults.

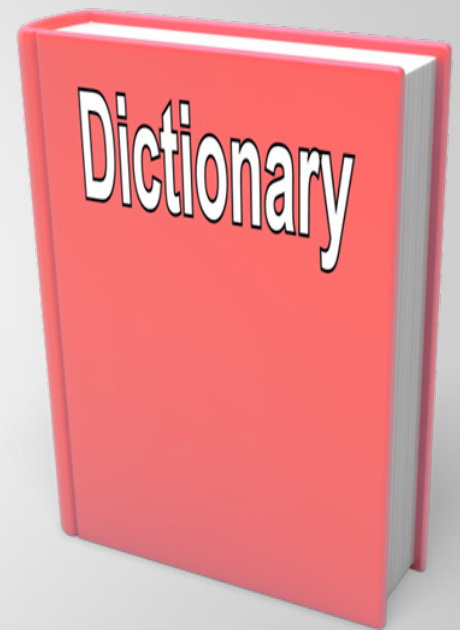
Mental Health Statistics

- In 2018, roughly 1 in 4 adults in the U.S. experienced a mental health disorder
- In 2018, 18% suffered from a recognizable anxiety disorder
- In 2018, less than one third of people with a mental health disorder received the treatment they need
- Over the last five years, employers' behavioral health expenses have increased more than 10% annually, compared with a 5% increase annually for other costs

EEOC Charge Statistics

Defining Workplace Violence

- Workplace violence is . . .
 - . . . any act of aggression, or threat of an act, that threatens the safety, security, or well-being of an individual who is at work or on duty.



■ Type 1 – Criminal Intent

- Aggressor has no legitimate relationship to the workplace
- Largest number of workplace incidents

■ Type 2 – Customer/Client/Patient

- Aggressor is recipient/object of service provided (patients, clients, customers, passengers, etc.)

- Type 3 – Co-worker/Employee
 - Aggressor has employment-related involvement with the workplace
- Type 4 – Personal
 - Aggressor does not work within business but is known to/has personal relationship with an employee

Defining Mental Health Implications

What is the Clinical Definition of a Mental Impairment?

What is the definition of a Mental or Psychological Disability under the ADA?

The ADA defines a mental, psychological or psychiatric disability as an impairment that substantially limits one or more major life activity

- EEOC Enforcement Guidance on Psychiatric Disabilities defines major life activities to include:
 - Learning, thinking, concentrating, interacting with others, caring for oneself, speaking, performing manual tasks, working and sleeping, among others
- After ADAA, the threshold is low, and essentially construed in favor of coverage

- Whether an impairment substantially limits a major life activity is determined without regard to “ameliorative effects of mitigating measures,” including medications
- An impairment that is episodic or in remission is generally still a disability if it would substantially limit a major life activity when active

Behavioral Markers for Workplace Violence

- There are certain behaviors that are known to have a high correlation to incidents of violence
- Often, one or more of these “behavioral markers” are present prior to incidents of violence

- Fascination/Display of Weapons
- Substance Abuse/Under Influence
- Objectification/Dehumanization
- Signs of Severe Stress
- Violent History
- Signs of Poor Psychological Functioning



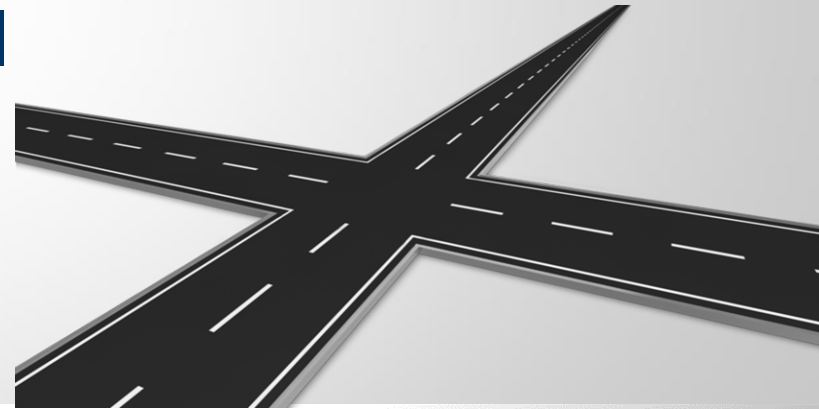
- Decreased or Inconsistent Productivity
- Social Isolation and Poor Peer Relationships
- Harassing Behaviors
- Poor Personal Hygiene
- Drastic Changes in Personality
- Bullying Behavior



Legal Limits on Using Behavioral Markers

Must recognize ADA Concerns...

- In recognizing Behavioral Markers, **MUST NOT** in essence target those with mental or psychological impairments (actual and regarded as)
- Must be sensitive to potential accommodation obligations under the ADA as well



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ADA Accommodation Requirements

- Knowledge of limitations attributed to disability
- Individualized Interactive Process
- Undue Hardship Analysis
 - Nature and cost of accommodation
 - Financial resources of employer
- Direct Threat



ADA Accommodation Requirements

ADA Accommodation Requirements

ADA Accommodation Requirements

JOB APPLICATION

☐ Have you ever been convicted
of a criminal offense?

Ban the BOX

12 States and 17 *Localities* Currently Ban the Box

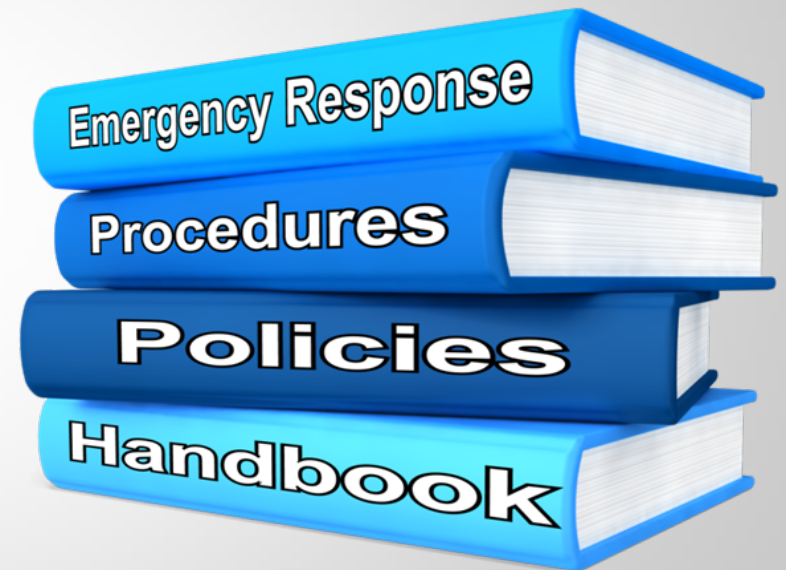
- | | | |
|---------------------------|--------------------------------|----------------------|
| 1. California | 12. MD: Prince George's County | 21. Oregon |
| 2. CA: Los Angeles | 13. Massachusetts | 22. OR: Portland |
| 3. CA: San Francisco | 14. Minnesota | 23. PA: Philadelphia |
| 4. Connecticut | 15. MO: Columbia | 24. Rhode Island |
| 5. D.C. | 16. MO: Kansas City | 25. TX: Austin |
| 6. Hawaii | 17. New Jersey | 26. Vermont |
| 7. Illinois | 18. NY: Buffalo | 27. Washington |
| 8. IL: Chicago | 19. NY: New York City | 28. WA: Seattle |
| 9. IL: Cook County | 20. NY: Rochester | 29. WA: Spokane |
| 10. MD: Baltimore | | |
| 11. MD: Montgomery County | | |

Note: Utah has restrictions on the use of certain types of PII (SSN, DOB, etc.); Madison, WI has restrictions on the consideration of certain criminal information. Neither is a true Ban the Box law.

Violence Prevention

Components of Violence Prevention

Workplace Violence Policy



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Customer/Client/Vendor Compliance



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Emergency Response Plan

- Your emergency response plan is a guide for your employees during an emergency
- Often, incidents of violence are made worse (increased number of injuries, for example) by an ill-advised response
- It is critical that we respond appropriately during an emergency, and that we encourage employees to respond appropriately during an emergency

- Not just shootings...
- When there is a crisis
 - Women are generally more likely to ...
 - Men are generally more likely to...
- You combat these tendencies with policy and training
- Here is what your employees need to know...

Active/Extreme Violence



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- **RUN/EVACUATE** if there is an accessible escape path.
- Be sure to:
 - PLAN an escape route in preparation of the necessity to evacuate
 - LEAVE the premises REGARDLESS of whether others agree to follow
 - LEAVE your belongings behind
 - HELP others escape, if possible
 - PREVENT individuals from entering an area where the active shooter may be
 - KEEP your hands visible
 - FOLLOW the instructions of any police officers
 - Do NOT attempt to move wounded people
 - Call 911...WHEN IT IS SAFE

- **HIDE** if evacuation is **NOT** possible, find a place to **HIDE** where the active shooter is less likely to find you.
- Your hiding place should offer **COVER** and **PROTECTION**:
 - Be out of the active shooter's view
 - Provide protection if shots are fired in your direction (e.g., an office with a closed and locked door)
 - Do **NOT** trap yourself or restrict your options for movement
 - Call 911 (if possible)

- Lock the door to the office
- Blockade the door with heavy furniture
- Stand clear of the door in a secure area
- Hide behind large items such as cabinets or desks
- **SILENCE** your phone (even the vibrate mode makes noise)
- Turn off any source of noise – **BE QUIET!**
- Call 911, if possible

- **FIGHT**...as a last resort, when other options are **NOT** present
- Yell/scream aggressively
- Improvise weapons (fire extinguisher, for example)
- Throw things at the aggressor
- Attempt to incapacitate the aggressor
- Once aggressor is incapacitated...flee

Supervisor Training

- Supervisors must know:
 - The early warning signs of violence
 - Early intervention techniques
 - The workplace violence policy
 - Emergency response plan
 - How to use the incident report form



Thank You!

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