

# AVOIDING AND DEALING WITH VIOLENCE IN THE WORKPLACE

Arizona Labor & Employment Conference

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# INTRODUCTION

- Define the problem
- Behavioral characteristics
- Preventive measures
- Handling the potentially violent employee
- Homeland security active shooter advice
- Scenarios

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## SCOPE OF VIOLENCE IN THE WORKPLACE

- In the United States, between 2006 and 2010, an average of 551 workers per year were killed as a result of work-related homicides
- Between January 2009 and July 2015 there were 133 mass shootings
- Shootings Account for 78% of all workplace homicides
- Eighty-three percent of these shootings occurred in the private sector

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# TYPES OF WORKPLACE VIOLENCE

## Physical Violence

- Arson
- Assault
- Harassment
- Homicide
- Rape
- Robbery
- Vandalism

## Non-physical Violence

- Verbal
- Visual
- Written

## Domestic Violence

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# SOURCES OF WORKPLACE VIOLENCE

## Internal Sources

- Supervisors
- Co-workers
- Contractors
- Vendors
- Service Providers

## External Sources

- Criminals
- Applicants
- Customers
- Former Employees
- Social/Family
- Present/Past Friends and Spouse
- Product/Service Related

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# BEHAVIORAL CHARACTERISTICS

- On the job problems; does not accept criticism; and blames others for his/her poor performance
- Unexplained increase in absenteeism, and/or vague physical complaints
- Increased severe mood swings, and noticeably unstable or emotional responses
- Frequently loses temper; personality conflict with one or more co-workers; or holds grudges
- Increasingly talks of problems at home
- Increase in unsolicited comments about violence, firearms, and other dangerous weapons and violent crimes
- Increased use of alcohol and/or illegal drugs
- Depression / withdrawal

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# PRECIPITATING EVENTS

- Traumatic event
- Extreme stress
- Career dilemma
- Loss of job

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# PREVENTION OF WORKPLACE VIOLENCE

- Preventive measures can reduce chance of an incident occurring in the workplace and reduce exposure to liability if an incident occurs
- Be proactive:
  - Pay attention to threatening or inappropriate behavior
  - Increase physical security
  - Limit access to workplace or security checkpoint (i.e. key card)
  - Carefully screen applicants
  - Prohibit employees from bringing weapons into the workplace
  - Implement a workplace Anti-Violence and Anti-Bullying Policy
  - Teach supervisors conflict resolution skills
  - Train your supervisors
  - Develop a plan in advance to respond to an observed or reported event

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# BANNING WEAPONS

- Arizona
  - Employers and business entities cannot establish, maintain or enforce policies or rules that prohibit anyone, including employees, from lawfully storing or transporting firearms in private vehicles or on privately-owned motorcycles in parking areas if the firearms are inside locked vehicles or in locked containers attached to motorcycles and kept out of plain sight
  - Employers and business entities can prohibit anyone, including employees, from storing or transporting firearms in vehicles or on motorcycles in parking areas if employers provide parking areas that have secured, monitored and restricted-access storage locations for keeping firearms which are readily accessible upon entering employers' or business entities' premises and allow immediate retrieval of firearms upon exiting employers' or business entities' premises
- California has no prohibition against employers banning weapons at work
- Nevada has no prohibition against employer banning weapons at work

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# TRAINING

- Educate supervisors and workers generally to be alert to various warning signs besides verbal or written threats, including:
  - Abusive behavior
  - Stalking
  - Fascination with guns, other weapons and mass shootings
- Encourage employees to report any incidents of threats or other unusual behavior that may suggest the possibility of a future violent act; stress need to be proactive
- Explain penalties for violating policy
- Non-retaliation assurances
- Cover basic emergency procedures in the event of an incident

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# HANDLING THE VIOLENT EMPLOYEE

- Managing Employees
  - Supervise
  - Counsel
  - Evaluate
  - Discipline
- Investigate Complaints of Violence
- Work Place Searches

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# HOMELAND SECURITY ACTIVE SHOOTER ADVICE

- CALL 911 WHEN IT IS SAFE TO DO SO

Take The Following Actions:

- Run
  - Have an escape route and plan in mind
  - Leave your belongings behind
  - Keep your hands visible
- Hide
  - Hide in an area out of the active shooter's view
  - Block entry to your hiding place and lock the door
- Fight: use only as a last resort and only when your life is in imminent danger
  - Attempt to incapacitate the active shooter
  - Act with physical aggression and throw items at the active shooter

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# HOMELAND SECURITY ACTIVE SHOOTER ADVICE

- How you should react when law enforcement arrives:
  - Remain calm and follow officers' instructions
  - Immediately raise hands and spread fingers
  - Keep hands visible at all times
  - Avoid making quick movements toward officers such as attempting to hold on to them for safety
  - Avoid pointing, screaming and/or yelling
  - Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering the premises

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# HOMELAND SECURITY ACTIVE SHOOTER ADVICE

- Information you should provide to law enforcement or 911 operators:
  - Location of the victims and the active shooter
  - Number of shooters, if more than one
  - Physical description of shooter/s
  - Number and type of weapons held by the shooter/s
  - Number of potential victims at the location

# SCENARIOS

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## EMPLOYEE THREATENS ANOTHER EMPLOYEE

Sue works in the engineering department. While at work, she has an altercation with Mary. According to other employees, Sue and Mary were yelling and swearing at each other. An employee told Sue's and Mary's supervisor that Sue said to Mary "I will knock you the f\*\*k out." Mary did not threaten Sue with any physical violence. When interviewed by her supervisor, Mary could not remember Sue threatening her. Mary said she was just trying to calm Sue down because Mary thought that Sue was having a diabetic episode. The company has a zero tolerance violence policy.

What action should the company take?

- A. Discharge both employees
- B. Sue was the only employee who made a threat so discharge her
- C. Put both on a last chance agreement
- D. We don't have enough facts, investigate further

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## AFTER THE INVESTIGATION

The company decides to investigate further. While Mary could not remember Sue threatening her, several employees heard Sue threaten Mary. According to the other employees, Sue said to Mary, "I will knock you the f\*\*k out." All the witnesses agree that Mary never threatened Sue. Sue denies she ever threatened Mary.

Should the company terminate Sue for violation of the anti-violence policy?

- A. Yes, she has violated the zero violence policy
- B. Yes but the company should also discharge Mary
- C. Put both employees on a last chance agreement

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## EMPLOYEE SCARES OTHER EMPLOYEES

John is a loner. He does not get along with his co-employees and gets into verbal arguments with them but never threatens them. He spends his lunch hour looking at gun magazines. He tells several employees that he owns several rifles and pistols and likes to shoot. He recently broke up with his long time woman friend and has been very angry over it.

What should the company do?

- A. Send John to counseling but do not ask for any reports or other records of the counseling
- B. Send him to counseling and get reports to ensure he is progressing
- C. Send him for a fitness for duty medical exam



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# SHOOTER IN THE BUILDING

Ed, the managing director, is located in Conference Room B. He sees Jim walk into the reception area carrying a gun. Ed fired Jim last week for making threats against various employees, including Ed.

What should Ed do?

- A. Pull the fire alarm and evacuate the building
- B. Call 911
- C. Use the loud speaker and tell the employees to evacuate the building or hide
- D. A and B
- E. B and C

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# SHOOTER IN THE BUILDING

The engineers work in the engineering bay. They hear shots coming from the reception area.

What should they do?

- A. Try to block the doors into the engineering bay and hide in the engineering bay
- B. Evacuate out the side door and go to the rally point. Wait there for the police
- C. Evacuate out the side door and go home
- D. Find the source of the gunfire and attack the shooter

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# SHOOTER IN THE BUILDING

John is in conference room A. He hears gun shots In the reception area.

What should he do?

- A. Block the door to the room and hide in the coat closet in the conference room
- B. Exit the conference room and run to the back door
- C. Attack the shooter

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## POLICE ARRIVE

The police arrive and subdue Jim. Ed announces over the loud speaker that the police are securing the building and employees should come out of hiding.

What should the employees do?

- A. Run to the nearest exit, get in their cars and drive home
- B. Continue to hide until the police come and get them
- C. Walk out of their hiding place with their hands open and over your head

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# QUESTIONS?



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# THANK YOU

Legal Disclaimer: This document is not intended to give legal advice. It is comprised of general information. Employers facing specific issues should seek the assistance of an attorney.

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