



Preventive Measures to Reduce the Likelihood of Workplace Violence

Publication

10.16.01

In the wake of recent tragedies in Georgia, Alabama, and California, employers have a heightened interest in strategies to minimize workplace violence and related legal risks. A strategic plan to minimize such violence and risks should include, among other things, the following preventive measures:

1. **Accept Reality.** Recent events prove that no matter where you work, the risk of workplace violence is present. Thus, employers must accept reality and be proactive to prevent or minimize their exposure to such incidents.
2. **Establish a Workplace Violence Policy.** Employees should be told in writing that the Company takes a zero-tolerance position on violence, threats of violence, or abusive language and that any violation of these rules can be grounds for immediate termination. A workplace violence policy should also include a procedure that provides a confidential means of reporting threats of violence and a statement that every employee has a responsibility to report such threats.
3. **Create a Workplace Violence Committee.** Employers should identify those persons with responsibility to take or coordinate actions intended to prevent or reduce the likelihood of workplace violence. These persons should constitute an action committee on workplace violence. Among other things, this committee should be responsible for developing policies on workplace violence, employee conduct, weapons, and related matters; examining the hiring process; developing procedures for investigating threats; coordinating supervisory training sessions; evaluating and improving current security measures; dealing with an employee assistance program; and establishing a crisis reaction plan.
4. **Use the Right Pre-Employment Documents and Conduct Background Checks.** Employers who want to prevent workplace violence should begin by using the right employment application and other documents. The right application is important because it provides key information on the applicant as well as valid legal releases and disclaimers that allow the employer to conduct lawful background investigations. After providing appropriate disclosures and obtaining the necessary authorizations, employers should conduct background investigations to discover prior convictions, litigation history, motor vehicle records, employment references, credit history, and other relevant background information concerning the applicant. Background investigations of current employees may also become necessary, so appropriate disclosure and authorization documents should be in place in advance.

5. **Conduct Substance-Abuse Testing.** Private employers should test all applicants and employees for substance abuse to the maximum extent allowed by federal, state, or local law. Negative test results should be a condition of employment or continued employment.
6. **Develop Procedures for Investigating Threats.** Employers should have a well-communicated procedure for promptly investigating threats of violence. Among other things, this procedure should include specific guidelines for conducting an investigation and interviewing witnesses and the individual who allegedly made the threat. To the extent necessary, employers should retain security consultants, attorneys, or other professionals for advice on how to handle threats quickly, effectively, and legally.
7. **Train Supervisors.** Supervisors should be instructed to report all threats to upper management or the designated contact person immediately. Supervisors should also be trained in conflict resolution, stress management, effective ways to manage change in the workplace, and the early warning signs of violent employees.
8. **Implement an Employee Assistance Program.** EAPs can be useful in helping employees who are having a difficult time handling "stress" in their lives. EAPs can also provide trauma counseling in the event an act of workplace violence occurs.
9. **Audit and Improve Security Measures.** Employers should establish a relationship with local law enforcement officials and a security consultant before any workplace violence incident occurs. Employers should conduct an audit to determine areas of vulnerability and/or procedural weaknesses. Basic systems for protecting property, such as lighting, intercoms, employee identification, surveillance or alarm equipment, and other systems or devices, should be considered.
10. **Establish a Crisis Reaction Plan.** A crisis reaction or contingency plan should be implemented and publicized so that everyone knows what to do in the event of an emergency.

Obviously, this list is just a summary of actions that employers can take to reduce their exposure to workplace violence and legal risks. A more detailed checklist of these items is available from Fisher Phillips attorneys. Employers who seriously review these points and adopt those recommendations that are appropriate for their workplace will go a long way toward preventing workplace catastrophes and the legal liability arising from such incidents.

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