

# Recent Shooting Underscores Rise in Workplace Violence

## Practices

Employment & Labor Law

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Workplace violence, particularly violence involving a firearm, is on the rise. A recent workplace shooting in Aurora, Illinois – by an individual who opened fire during his termination meeting – is just the latest disturbing example. This individual, a middle-aged man with a history of domestic violence, killed five of his co-workers, wounded five police officers, and then turned the gun on himself. Of course, no employer can guarantee a violence-free workplace. However, by assuming that the issue is not “if” but “when,” employers can take steps to reduce the potential for onsite violence, or at least mitigate its impact.

The Occupational Safety and Health Administration (OSHA) estimates that about 2-million workers report violent workplace incidents each year, and many more such events likely go unreported. OSHA defines workplace violence as “any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.” It ranges from threats and verbal abuse to physical assaults and homicide. Shockingly, homicide ranks as the fourth likeliest workplace injury.

OSHA and its state counterparts enforce the General Duty Clause of the Occupational Safety and Health Act, which states that all employers – regardless of size – must provide a place of employment “free from recognized hazards that are causing or are likely to cause death or serious physical harm.” Some states have also enacted workplace violence prevention mechanisms, including granting employers “standing” to seek temporary restraining orders on behalf of employees.

## What can employers do to help protect their employees?

At a minimum, employers can create and enforce a written zero-tolerance policy toward workplace violence and develop a written prevention program. The program can include information about employee assistance programs. Refresher training can occur periodically.

Employers can also:

- Encourage employees to report incidents.
- Offer an effective, comfortable, and confidential reporting procedure.
- Provide important telephone numbers for quick reference during a crisis.
- Ensure that employees receive training on emergency exits, alarm systems, and personal security measures.
- Maintain “open door” policies to address simple miscommunications and allow for “venting,” and to resolve more serious conflicts.
- Consider bringing in an outside security consultant who can conduct a professional threat assessment and may recommend adding video surveillance, extra lighting, electronic keys, or extra security guards.

## Recognizing and dealing with the warning signs

Preventing violence before it occurs is clearly the ultimate goal. Although no employer can predict all behavior, employers can be aware of the risk factors, including:

- Direct or veiled threats of harm, especially in writing or conveyed over social media.
- Bullying or other aggressive behavior.
- Chronic inability to “get along” with co-workers.
- Sudden mood swings and anger control issues; i.e., “something has changed with this individual.”
- An inability to “get over” seemingly minor workplace issues.
- Statements or discussions showing “fascination” with other workplace violence incidents – especially those involving guns.
- New and major life problems, such as divorce or an unexpected legal issue.
- “Showing off” pictures of a weapon or bringing the actual weapon to the office for display.
- Abrupt changes in work habits, timeliness, or personal grooming.

- Newfound insistence on “victimhood” status.
- Drug or alcohol abuse.

Know your employees; a red flag for one may be totally benign for another. However, management can reach out to employees displaying warning signs. In appropriate cases, the employee can be directed to an employee assistance program, where professionals can decide if further treatment is necessary.

Bottom line: Be proactive. You may get your employee the help he or she needs and reduce the risk of a tragic ending.

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