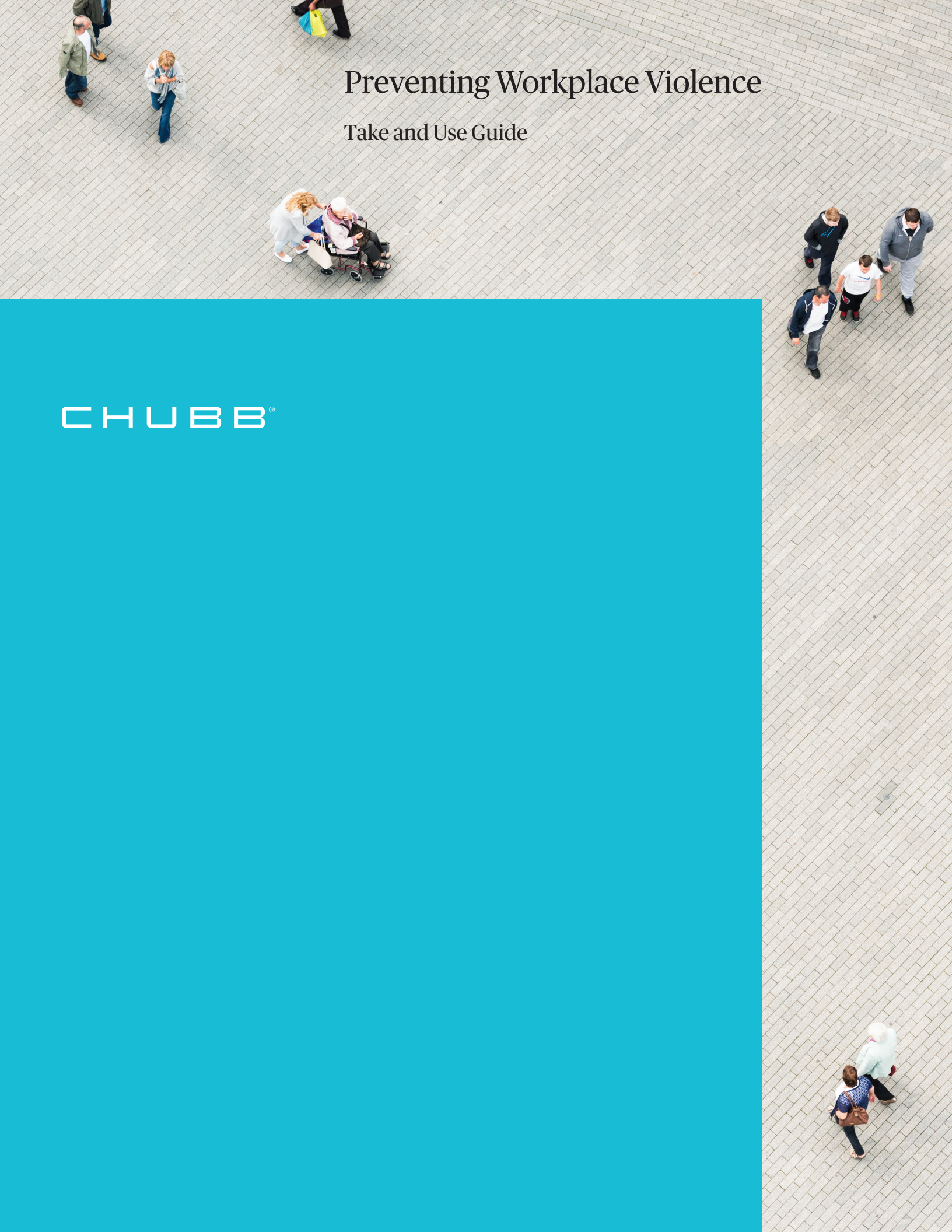




Preventing Workplace Violence

Take and Use Guide

CHUBB®

Introduction

As an employer, there is a certain level of responsibility that falls on you for ensuring a safe work environment for your employees. Unfortunately, while workplace violence programs have evolved, many employers are still underprepared for the threat of violence in the workplace.

Regrettably, threats of violence in the workplace are a fact of life. Whether the economy is good or bad, situations will arise that elicit acts of hostility, vengeance, or violence in people predisposed to violence. Threats can come from both inside and outside of the organization: employees, temporary workers, customers, family members of an employee, former employees or contractors, and in rare cases, criminals and terrorists with seemingly no connection to the organization.

Occasionally, threatening workplace situations lead to serious acts of violence making workplace violence a foreseeable risk that should be managed through a comprehensive work placement management program. While seriously violent acts in the workplace are low-probability events, when they occur, they can have severe consequences. Therefore, employers should be equipped to effectively prevent, prepare for and respond to workplace violence incidents.

Although this booklet provides general guidance on risk-management issues, it is not a substitute for expert advice. Be sure to consult experienced professionals for guidance on specific threats and workplace violence issues and on how to develop and implement a comprehensive workplace violence program. We strongly encourage you to seek competent multidisciplinary counsel.

The best risk management strategy includes sound workplace violence policies and procedures, access to expert professional resources, and quality insurance coverage. Chubb has commissioned R3 Continuum, Inc. (www.r3c.com) to prepare this booklet to help employers develop or enhance their workplace violence risk management programs. R3 Continuum, Inc. responds to over 18,000 crisis events each year, of which 4,000 have a nexus to violence. In addition, their behavior-health based assessment process is accessed by corporate clients to actively assess potential threat of violence cases prior to an incident occurring. We hope this booklet helps raise awareness about the risks of workplace violence and the ways to manage these risks.

The Role of Insurance

Like it or not, every organization is vulnerable to workplace violence, regardless of its size. A workplace violence incident can be catastrophic to an organization - to its bottom line, to employee morale, to employee retention and recruiting and to its reputation.

Insurance can play an important role in helping management handle workplace violence through risk mitigation, threat management and crisis response services. These can include:

- Crisis management expertise.
- Risk management consultations and assessments.
- Forensic psychologists and Threat of Violence consultants for managing cases of direct threats and stalking incidents.
- Independent crisis management consultants and expertise.
- Independent crisis communications consulting.
- Independent crisis mental health specialists.
- Security and investigations professionals.
- Coverage for loss of business income following an event.
- Death benefit for employee victims' families and beneficiaries.
- Rest and rehabilitation for insured persons and their relatives.
- Medical, cosmetic, mental health and dental expenses of victims.

What's more, insurance coverage is surprisingly affordable, especially when compared to the potential costs of not having coverage. For advice on the workplace violence expense insurance policy that is best for your organization, be sure to consult with your company's trusted insurance advisor, as well as legal counsel.

Preventing Workplace Violence

The best method for addressing workplace violence is to prevent it from occurring in the first place.

A comprehensive approach to preventing workplace violence is imperative and should be in consideration of an overall risk-based approach. While each workplace is different and an assessment can assist with appropriate and specific security risk management measures, some examples include training, policies and procedures, pedestrian and vehicle access controls, on-site security, appropriate camera and surveillance systems, emergency response plans and lockdown capabilities, threat management plans, human resources and employee assistance programs, and premises hardening (i.e., locks and other controlled-access systems that keep out unwanted intruders).

Additional recommended preventive measures include:

Hiring practice— Examine your organization's effectiveness in screening for well-being and potentially violent job candidates. Consideration can be made for the inherent responsibilities of some jobs that dictate candidates also meet psychological, emotional, and cognitive requirements. Beyond simple screening and background checks, below are some questions to consider in adding a new line of inquiry, or even a formal pre-employment psychological screening following a conditional job offer. These are used to help identify individuals with violent history, character problems, entitlement issues, anger, etc.

- Do you ask questions that can elicit signs of antisocial personality—for example, times when the candidate “creatively bent the rules to get the job done”?

- During reference checks with former employers, do you ask, “Is there any reason we should be concerned about this person from a workplace violence standpoint?”

Employee workplace violence

orientation— Employees need to clearly understand what your company considers violations of its workplace violence program, how to notify management of any threatening behavior or circumstances and what management will do once notified. This information should be included in new-employee orientations, and annually with employees with annual to avoid claims of negligent training.

Safety 101— Employees should be able to learn how to recognize those that may be experiencing emotional distress, panic attacks, suicidal thoughts, etc., and then also be introduced to techniques to ensure personal safety, situational awareness, anticipating an aggressor's actions with/without weapons and emergency procedures.

Hostility management training— When employees and managers know how to defuse hostile reactions from customers, co-workers and others, they may be able to reduce the risk of potential violence in its earliest stages. Learning how to calm hostile situations in real time versus inadvertently provoking increased aggression or violence can reduce risk.

Executive management training— In cases where someone is promoted or an executive is taking on a new role, training can be incorporated to ensure those executives can thrive and operate at their best. This includes targeted conduct mitigation to reduce undesirable behavior and maintain ongoing accountability. If not proactively managed, a variety of situations could put the organization, its

brand and its culture at increased risk of violence, such as sexual harassment, discrimination, workplace bullying, and intimidation.

Threat notification system— Far too often, employees do not report threatening situations to management because they don't know exactly where to report threats or are concerned about confidentiality. Employees should understand the expectation of management that they share responsibility for safety in the workplace and that threats must be reported promptly. For reporting to be effective, employees need to know how and to whom to report a threat at any time of day or night, how management addresses the reported threatening situation and the company's policy on confidentiality and anonymous notification.

Preparing for Workplace Violence

The time to start thinking about workplace violence is not when a threatening or violent situation occurs. Following such incidents, unprepared employers increasingly are accused of negligent failure to plan and prepare. Conversely, organizations that are effective in managing workplace violence risk are those that have taken the time to adequately prepare for it.

What are the ingredients of an effective workplace violence risk management program?

According to a study by Pepperdine University, preparedness is a top characteristic of an effective crisis leader. In addition, research by the Center for Risk Communication found that a visible demonstration of caring was the single most important ingredient for effective crisis leadership.

Thus, an effective risk management program includes components that maximize preparedness as well as provide visible evidence that the organization's management team genuinely cares about its employees and other stakeholders.

Effective Program Components

With these thoughts in mind, we can say that a well-designed workplace violence preparedness program includes the following:

- There should exist a trained, multidisciplinary Threat Management Team (TMT) to plan for, investigate, assess, and defuse threatening situations.
- The team should consist of members of management and it should be able to notify and mobilize members immediately when a threat occurs. Based on your organization, members may be managers from Corporate Security, Human Resources, and/or Legal.
- The team should be supplemented with additional resources as needed, including a forensic psychologist, law enforcement, security guard service, employment attorney, executive protection specialist, dispute resolution provider and an IT security specialist.
- Employees should know the organization has a team trained to respond to significant threats.

To ensure consistency, effectiveness and efficiency, the TMT should develop a manual of written guidelines for managing threat situations. This TMT manual should have sequential take-and-use strategies for managing individuals of concern.

Each organization should understand the purpose and limitations of various options in addressing concerns. Each holds a necessary place in the management process but needs to be

used correctly to be effective in different circumstances. These include:

- Fitness for Duty (FFD) Evaluations which are personalized assessments to provide an unbiased and professional evaluation of an individual's ability to safely perform his or her essential job duties.
- Fitness for Duty with Violence Screen (FFD-VS) which is a specialized Fitness for Duty Evaluation designed specifically to include heightened concerns about hostility, anger episodes, and workplace violence.
- Threat of Violence (TOV) Consultation which is a timely consultation to screen and assess if an employee poses a significant threat of violence to the organization, followed by ongoing consultation to manage and mitigate the risk

For threats of violence, the manual should also include immediate response tactics, TMT meeting guidelines, violence assessment, action planning, purposeful disengagement, follow up and defensible documentation. The manual should be based on the various stakeholders (i.e. contractors, vendors, unions, temporary placement firms, etc.) and trends behind potential threats and violence in your workplace, e.g., toxic supervisors, drug or alcohol abuse, gang membership, domestic violence, area crime, exposure of employees to the general public, and reactions to layoffs and terminations. Once violence-related trends and motives specific to your workplace are identified, the team controls can be created to address them.

The TMT manual should also include the various services provided through your insurance provider, your insurance coverages and any benefit programs that may be available. These enhanced benefits can then be provided to the organization and its employees on a temporary basis if an event were to occur.

Some enhanced benefits may include:

- Monetary assistance for employees who suffer substantial crisis-related losses.
- Health care services for mental health counseling services and physical injuries.
- Enhanced, temporary workplace security measures.
- Re-entry or return-to-work programs that address a “new normal”—i.e., a normal work schedule but with consideration for changes made or that need to occur because of a critical workplace incident.
- For international companies, response capabilities that take into account local laws, customs and complexities.

Program Policies and Procedures

The following policies and procedures are also key ingredients in a well- designed workplace violence prevention program:

A “zero tolerance” workplace violence policy— Such a policy should clearly define behaviors that constitute violence, such as making threats (verbal, gestural, written, implied and direct), bullying, stalking, possessing weapons (taking state laws into consideration), intentionally destroying property, intimidating others and causing fear, and so on. The policy should also address domestic violence that affects the workplace. In addition, the workplace violence policy should include actions that cause “concern” to others that may not be specifically listed.

Provider assessment procedures— Remember that external service providers working with your organization can also perpetrate workplace violence. Below are three important questions to ask all service providers:

- Does the service provider conduct criminal background checks on personnel they place in your workplace?

- If your company uses outplacement services after layoffs and terminations, is the service provider willing to tell you about threats and other “red flags” revealed by ex-employees?
- Does the employee assistance program (service provider) have structured protocols in place to assess and provide “duty to warn” notifications to your organization?

Physical security audits— Employees and others who frequent your facilities gain insight into your physical security measures, so it’s important to periodically conduct a review of these security measures. Has an external specialist provided an objective audit of your facilities and grounds security?

On a related note, if you rent properties, how prepared is your property management firm or property ownership to manage threats and/or coordinate/ communicate with the tenants regarding any important information or incident response actions?

Domestic violence support program— Employees sometimes inadvertently carry dangerous personal relationships with them to their jobs; for example, domestic violence may spill over into the workplace. Therefore, knowing how to access domestic violence support programs can reduce the potential for this source of workplace violence.

Post-crisis preparedness— Leaders must understand the needs of those impacted and maintain that as their focus while still care for themselves. This skill is not only a difficult one, but one that is not always taught to business professionals. It is invaluable to have experts available to assist with the various levels of the organization and the various phases of a response during these times. From the experience of responding to over 800 shootings each year, R3 Continuum has found these reactions most commonly in those impacted:

- Guilt - “Why didn’t I see this?”, “What could I have done to prevent it?”
- Anger - “Who is responsible?”, “Who should I blame?”
- Grief - “Loss of my personal safety”, “Loss of friends and family?”

Beneficial resources to the significant challenge of a response to a violent event include:

- Strategic support for leadership such as decision making, communications, security, insurance, etc.
- Management support to address questions such as: How do I talk to employees impacted? How do I address re-entry? What investigations are likely to occur? Will there be additional threats of violence?
- Individual support such as education briefings, small group briefings, one to one individual interventions, telephonic support, etc.
- Family assistance such as next of kin notification, memorials and funerals

The nature of the recovery process and the response is highly correlated with preparedness—it requires planning, training individuals and testing through regular crisis response exercise drills.

Responding to Workplace Violence Threats

Employees and others who feel harmed by workplace violence have high expectations of employers. Following a workplace violence incident, they clearly voice their expectations that employers should have been better prepared to prevent it in the first place and to respond to it once it occurred. The collective reaction to an ineffective response invariably is outrage and at times, blame. Conversely, when employers respond to incidents of workplace violence in a timely manner with visible caring and competence, post-incident morale, productivity and reputation can significantly improve

Managing the Threat Response:

Part Art, Part Science

Threat management can involve life-and-death consequences and many “gray area” decisions and actions. There is no proven formula for managing threatening situations that will work every time.

Threat management requires having prudent judgment and weighing the pros and cons of decisions and actions in an ever-changing, fear-inducing environment. If not carefully thought out, management’s decisions and actions can have unintended, devastating consequences.

The art of threat management involves making decisions with the understanding that there are potential risks, regardless of the actions taken, and that any decisions are likely to be second-guessed. A Threat Management Team must be equipped to manage differing opinions regarding what decisions to make and actions to take in response to a crisis. For example, consider a case where a manager must decide whether a threatening employee should be allowed to resign or be terminated against his or her will. If the employee can resign and applies for unemployment compensation, will the company contest it? Such decisions require the consideration of business and personal ethics, deciding whether to follow standard protocol rather than making exceptions, and determining desired safety-related outcomes.

The science of threat-response management involves tangibles such as responding quickly, investigating, assessing danger, disengaging, and collecting the information that is needed to make the best decision(s) possible in a dynamic environment. Below are recommended steps to follow in response to a workplace violence crisis.

- **Respond to the Threat Quickly and Smartly.** You just learned of a seriously threatening situation. Your first actions are critical and, to the extent possible, should have been carefully contemplated in advance by the Threat Management Team. When should the team be notified and/or mobilized? Should you contact law enforcement? When do you bring in an experienced psychological professional for an independent assessment? Your response needs to be immediate, but not rash. You will need to quickly:
- **Investigate and assess the threat.** The Threat Management Team can be only as good as the information it receives. When assessing a threat, this means verifying facts, investigating unverified information and rumors, playing “what if” to adequately consider contingency plans, and applying good judgment. You should also consider the unintended consequences the threat poses, such as untruths spreading through the rumor mill and inadvertently provoking the threatening person. Meanwhile, it is vital to employ a professional and purposeful manner for obtaining sensitive information, perhaps even from an uncooperative informant.
- **Defuse threatening individuals and situations.** In threatening situations, management may need to take action that is potentially provoking—for example, disciplinary job action, termination of employment, arrest, or injunctive relief. In such cases, management should also take actions to defuse the situation. A threatening individual may respond favorably to being heard, feeling understood, and being treated fairly with a sense of dignity. Management will need to determine whether a strong hand is best (for example, calling in law enforcement), whether a caring, supportive response would be more effective, or whether a balance of the two would be optimal.
- **Follow up.** Workplace violence can occur days, weeks and even months after an employer thinks a threatening situation was resolved. Management may need to orchestrate a method to monitor and/or intervene regarding a threatening individual over time. That can mean making difficult decisions about how best to monitor and who (inside or outside the organization) should intervene.
- **Purposefully disengage.** What are the indicators that management can safely discontinue monitoring the threatening case? Who needs to be notified that the case is being closed? What circumstances would indicate that reactivation of the plan is necessary? The decision to disengage should be based on the consensus of the Threat Management Team and others with threat management expertise and knowledge in the case, and it should also include input from all appropriate stakeholders.
- **Document decisions and actions.** Maintaining legally defensible documentation is paramount, because lawsuits are likely to follow a serious workplace violence incident, and all written records will be subpoenaed. Document facts that are uncovered, decisions made, and actions taken as well as the reasons for not taking certain actions when addressing a situation. This documentation may be your company’s best defense in court.

Many lawyers recommend maintaining only one set of documentation regarding the management of a threatening situation, and some prefer to house it themselves. Conversely, some lawyers prefer no documentation at all. Seek the advice of your organization's lawyers regarding documentation.

Management's rationale for any decision made or action taken should pass the "reasonable person" test: Is this what a reasonable person would do under the circumstances?

Conclusion

There is a constant threat of violence in the workplace from both inside and outside of an organization. Threatening workplace situations can lead to serious acts of violence—a risk that must be managed for the protection of an organization and its employees.

While serious acts of workplace violence are rare, when they occur, they can have severe consequences. It's important for employers to be properly equipped to prevent, prepare and respond to any incident should it occur. Recommended preventive measures shared in this guide are a great first step in addressing the prevention of workplace violence, teaching your employees the proper steps to reduce the risk at your organization and ensure the safety of everyone on a daily basis.



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