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Introduction

OSHA reports that violence in the workplace is a serious safety and health issue as some 2 million American workers are victims of workplace violence each year. It can range from threats and verbal abuse to physical assaults and homicides. According to the Bureau of Labor Statistics (BLS) there were 631 people killed on the job in 2003 as a result of homicides, out of a total of 5,559 fatal workplace injuries. Workplace homicides, the most extreme form of workplace violence, have been the second and third leading causes of fatal occupational injuries in recent years. The BLS also reports that workplace homicides increased faster than any other cause of a worker fatality in 2003.

OSHA Citations and Lawsuits

Workplace violence hazards are not addressed in any specific Federal OSHA standard. However, the OSHA Act General Duty Clause requires employers to provide a safe and healthful workplace for all workers covered by the OSHA Act. Employers who do not take reasonable steps to prevent or abate a recognized violence hazard in the workplace can be cited by OSHA and potentially be held liable for the actions of the employee when the employee is working. The states of California and Washington both enforce regulations that include the prevention of "reasonably foreseeable" assault on employees.

Even the potential for liability on the part of the employer is increasing under a number of legal theories. According to Epstein Becker & Green, P.C., an employment law firm that specializes in labor and employment issues, there has been a dramatic increase in the number of lawsuits brought against employers for the negligent hiring of employees who have engaged in criminal, violent, or other wrongful acts, including those that occur during non-working time.

Victims of Violence

Anyone can become the victim of a workplace assault and no one is immune. However, data shows that some workers are at greater risk than others. According to the BLS 512 females and 119 men were victims of workplace homicides in 2003. The top four professions with the most homicides were sales and related occupations with 182 followed by protective service occupations - 95; transportation and material moving - 83; and management - 64. The top three places where homicides occurred were public buildings with 330 followed by the "street" - 89; and industrial areas - 58.

Tactics to Consider

To help employers reduce the incidence of homicides in their workplace, the American Society of Safety Engineers (ASSE) Risk Management and Insurance (RM/I) Practice Specialty group has produced the "Workplace Violence Survey and White Paper." Suggested tactics include establishing a workplace violence prevention policy, implementing hiring and termination practices that screen for potential risks, and providing comprehensive employee training.

The RMI Practice Specialty group found, unfortunately, that many companies and organizations in all industries have yet to address the problem of workplace violence. Noting that one size does not fit all, ASSE RM/I members suggest the following actions to address the prevention of workplace violence:

Officers and directors. Establish a workplace violence prevention policy. Upper management must promote a clear anti-violence corporate policy and establish and maintain security policies.

· Human resource managers. Examine and improve hiring practices; implement prescreening techniques; utilize background checks; encourage employees to report threats or violent behavior; establish termination policies; and provide post-termination counseling.

· Risk management and safety, health and environmental departments. Train employees in the warning signs of aggressive or violent behavior; train management in threat assessment and de-escalation techniques; conduct a formal workplace violence risk assessment; increase security as needed; develop and communicate a contingency plan to all employees which includes crisis management and media relations; review insurance coverage and verify coverage and exclusions; and, identify a defensive strategy.

Conclusion

Based on the BLS numbers presented in the introduction, it is obvious that no one is immune from the potential of workplace violence. Therefore, some form of action, if not already taken, is most likely appropriate for all member companies. It may be as simple as establishing a policy of zero tolerance for any type of workplace violence or it may be much more elaborate. You must make that choice.

The intent of the topic is to bring the problem to your attention and give you some ideas on action steps as suggested by the ASSE RMI Practice Specialty group to curb violence in the workplace. Once again, please note that one size does not fit all.