



## How to Help Protect Your Business Against Workplace Violence and Negligent Hiring Lawsuits

The Workplace Violence Research Institute completed a project in 1995 that identified the cost of workplace violence at over \$36 billion annually. Businesses suffer through loss of productivity, work disruptions, employee turnover, as well as litigation.

*In 2004, 551 homicides were committed at work in the U.S. Each year, 22 million Americans are assaulted either verbally or physically in the workplace.*

**Lawsuits become a real threat when precautions such as the following are not taken:**

- Not safeguarding customers from employees who steal, lie, cheat or injure
- Negligent hiring liability in the event of fiduciary malfeasance for not providing other employees with a safe place to work
- Officer/director liability due to incompetent hiring procedures

**Some of the common indicators of potential workplace violence include:**

- Intimidating, harassing, bullying, belligerent, or other inappropriate and aggressive behavior.
- Numerous conflicts with customers, co-workers, or supervisors
- Bringing a weapon to the workplace, making idle threats to harm someone
- Statements showing fascination with workplace violence or indicating desperation over personal problems
- Direct or veiled threats of harm
- Substance abuse
- Extreme change in normal behaviors

## 5 Ways to Help Protect Your Business

Here are five ways to help protect your business from workplace violence and greatly reduce potential liabilities.

### 1. Pre-Employment Screening

It all starts here. One of the primary reasons that companies conduct background checks is to gather the best possible information to make an informed hiring decision, and one of the best indicators of future behavior is past behavior. If you don't want to get sued, be extra careful who you hire. Start by establishing standardized pre-employment screening guidelines that comply with state laws including:

- Provide verbal notification of your intent to run a background check in accordance with Public Law 91-508, Title VI, Section 606 of the Fair Credit Reporting Act (FCRA)
- Obtain written authorization to search background information including financial, medical, criminal, prior employment, drug testing, personality evaluation, education and mode of living checks such as neighbor interviews and character references (section 604 of FCRA). Inform applicant that they are entitled to a copy of any results.
- Avoid discrimination claims under the civil rights act of 1964, and most equal opportunity employment statutes, by consistently screening candidates based upon a candidate's qualifications to perform the job.

### 2. Implement a Workplace Violence Prevention Policy

Your policy should take a "Zero Incident" approach that has as its foundation a focus on preventing violence before it occurs as well as taking all forms of violence very seriously and firmly dealing with any violations. It should also encourage employee reporting and have a strong investigation component triggered by any report or incidents of violence.

For further information on workplace violence prevention policies see 'model policies' located at [www.workplaceviolence911.com](http://www.workplaceviolence911.com)

### 3. Start with Awareness and Training

Establish a workplace violence prevention committee headed up by a manager. Responsible employees should know how to recognize and report incidents of violence, intimidating, threatening and disruptive behavior. They need phone numbers ready for quick reference during an emergency. They should also know how to defuse volatile situations and deal with hostile persons including how to manage anger as well as techniques to resolve conflicts such as stress management and relaxation techniques.

Employees should be trained how to recognize the warning signs of violence and how to effectively report their observations to HR or management. Every company needs a crisis or emergency response team that is prepared for disasters that can impact the workplace and ensure there is a business continuity plan. This is prudent risk management so you are not betting your business.

In addition, depending on the size of your company, you might want to create a Threat Assessment Team that works with management to assess the potential for workplace violence, as well as develop and execute a plan to address it. This may include people from employee relations, law enforcement and/or security.

To research solutions visit the US Dept of Labor's Occupational Safety & Health Administrations' website at:

<http://www.osha.gov/SLTC/workplaceviolence>

Also check out the:

[National Institute for Occupation Safety and Health](#)

[Canadian Centre for Occupational Health and Safety](#)

### 4. Plan for Long-Term Security

Maintaining a safe work place is part of any good prevention program. There are a variety of ways to help ensure safety, such as employee photo identification badges, guard services, and individual coded key cards for access to buildings and grounds. Different measures may be appropriate for different locations and work settings and plans can include procedures for:

- Calling for help or medical assistance
- Notifying proper authorities
- Emergency escape routes
- Safe places for hiding
- Accounting for all employees in an evacuation
- Debriefing participants to identify lessons learned

### 5. Alternative Dispute Resolution (ADR)

This kind of program is aimed at eliminating "at risk" behaviors and is most effective applied as a preventative measure in resolving disputes when a conflict has been identified early and one of the following techniques is used: ombudspersons, facilitation, mediation, interest-based problem solving, and peer review. ADR can prevent escalation of conflict into violence with early detection and resolution.

Your first and best line of defense is to run thorough background checks on your potential employees, and consider updating those checks for every few years of employment. Larger companies also have a need to synchronize their personnel with security and safety policies and develop far more sophisticated response procedures in order to minimize workplace violence and reduce potential lawsuits.