

PERSONNEL NOTEBOOK

For Your Most Important Resource—The Human Resource

Prepared BY:

HUMAN RESOURCE ASSOCIATES

Employment Consultants

LOOKING FOR VIOLENCE

In a previous issue of *Personnel Notebook*, we reviewed the problem of violence in the workplace. In that review, we reported on ways to respond to violence when it occurs, how to eliminate it, and where to gain more information about it.

Violence in the workplace, as an employer problem, has changed dramatically in just the last few years. In this issue of *Personnel Notebook*, we will examine some of those changes and offer a self-examination to assess whether your company should be putting new safeguards in place.

Cultural Changes Means Workplace Changes

Over the last 40 years, employers have been advised, even warned, to stay out of their employees' personal lives. Federal and state legislation has further enforced that rule. Under the Equal Employment Opportunity Commission (EEOC), the Americans With Disabilities Act (ADA), and the Health Insurance Portability and Accountability Act (HIPAA), among

other regulations, employers were forbidden to acquire or use information about their employees, or employment candidates, that was not directly related to their ability to perform their jobs. Severe penalties were imposed on companies that peeked into the private lives of their employees.

Today, however, companies are being called upon to integrate themselves into the personal and social problems of their employees, vendors, and sometimes even their customers.

From acts of intimidation, sexual assaults, and domestic violence for which companies may be held liable, they must also be concerned about invasion of privacy, wrongful termination, and defamation claims. Failure to act can be just as serious an offense as acting in error. Terminating the potentially violent employee may be risky but keeping him or her may be deadly.

Workplace violence law expert Gary Matheson, in San Francisco, says, "There has been a cultural revolution in the workplace about what's accepted and

what's not." A recent case of a Wal-Mart employee is an example. The employee was shot and seriously wounded by her husband while she was at work. She successfully sued Wal-Mart claiming that the company knew of previous physical abuse and a court order against the husband. The suit alleged that the company took no special precautions and had no policy or procedure in place to protect employees from spousal abuse at work.

Under OSHA's General Duty clause, companies are required to provide their employees with a place to work that is "free from recognized hazards that are causing or likely to cause death or serious harm." OSHA defines workplace violence as any physical assault, threatening behavior, or verbal abuse occurring in the workplace setting.

Patricia Biles, workplace violence program coordinator at OSHA, says that most serious workplace violence doesn't happen in a vacuum. It is usually preceded by a highly stressed individual, facing stressful events and exposed to a callous, disrespectful environment.

With the average jury award of \$3 million and an average out-of-court settlement of \$500, 000, it pays to head off violence in the workplace. The following is a self-assessment tool to help you start that process.

Pre-employment

Does your company adequately check references with attention to details regarding the candidate's ability to get along with coworkers? Y N

Does your company carefully review gaps and inconsistencies in a candidate's employment history? Y N

In the pre-employment interview, is the applicant specifically asked about his or her ability to handle conflict and stress? Y N

Does your background check include criminal convictions? Y N

Workplace Violence Policy

Does your company have a policy clearly stating your commitment to the issue of aggressiveness and violence in the workplace? Y N

Does this policy clearly state the broad range of behaviors that are considered to constitute violence? Y N

Does this policy clearly state the responsibilities of employees as well as managers regarding their own behavior and how to process occurrences of violence? Y N

Does this policy clearly state the steps and reporting procedures if an employee has concerns about violence? Y N

Employee Awareness

Do you believe that your company has effectively communicated to employees the importance of this policy? Y N

Do your employees know how to react or report incidents or concerns about violence? Y N

Have you conducted any training or orientation sessions regarding violence that includes defining your policy? Y N

Have managers and supervisors been trained in the proper procedures in identifying problems and enforcing the violence policy? Y N

Planning and Management

Is there a team or committee responsible for the development of policy, procedures, and maintenance of the company's workplace violence plan? Y N

Grievances, Discipline, and Termination

Is there an adequate process to address the grievances of employees who feel threats of violence? Y N

Is this process fairly administered, properly protecting the possible victim as well as the person accused? Y N

Do you believe that there are persons who, because of their intimidating behavior or high position, are able to avoid disciplinary action? Y N

Can you assure that high-risk terminations are conducted in a secure setting with attention to the safety and security of all employees? Y N

Do you believe that your handling of a compliant or high-risk termination can be accomplished with concern for the individual's dignity? Y N

Employee Assistance Programs (EAP)

Does the company have an EAP that can deal with employees' stress issues? Y N

Can that EAP provide services in times of immediate stress? Y N

Outside Resources

Can the company use outplacement services for terminated employees who may need counseling and assistance for re-employment? Y N

Does your company have good relationships with local law enforcement? Y N

Does the company have internal security staff or access to a security consultant? Y N

Does the company have access to legal resources? Y N

Training, Supervisory, and Conflict Resolution

Does the company train supervisors and managers in the skills of conflict resolution? Y N

Is there a program or orientation method showing employees how to resolve interpersonal conflicts? Y N

Physical Security

Has there been an assessment of the facility to determine adequate protection in the event of a violent aggressor from outside? Y N

Can the company quickly communicate to employees after a critical incident in order to either warn or address the issue? Y N

Is there adequate control of the entry points into the facility? Y N

How comfortable are you with the availability and capability of the security firm you use? Y N

Cultural and Other Issues

Do the company's employees believe that they will be treated fairly, with respect, and in a confidential manner in the event of an accusation or incident? Y N

Do you believe that employees are comfortable approaching HR or the EAP for help when they feel the need? Y N

Are issues of behavior, respect, and cooperation discussed at performance reviews? Y N

Are performance reviews done in a direct, supportive, and constructive manner? Y N

Do you believe that your supervisors and managers are able to recognize performance problems related to behavior or aggressive attitudes? Y N

Do you believe that they can directly, quickly, and professionally deal with those problems? Y N

Does the company offer, or can it refer employees to, programs to handle their stress and personal problems? Y N

Does the company have a plan with an appointed individual to handle communications with the media should there be a critical incident at the company? Y N

There is no pass or fail score to this examination. But used as a guide, it can help you determine whether you need to establish procedures to head off violence in your workplace before your employees or your company are hurt.

(For further information on how to prevent and how to respond to workplace violence visit your association's website for the *Personnel Notebook's* "Violence in the Workplace," Parts I and II.

Bill Cook
Human Resource Associates
E-mail: hrahtl@consulthra.com