

Workplace Violence Prevention and Response

G U I D E L I N E

ASIS INTERNATIONAL COMMISSION ON GUIDELINES

The Commission on Guidelines was established in early 2001 by ASIS International (ASIS) in response to a concerted need for guidelines regarding security issues in the United States. As the preeminent organization for security professionals worldwide, ASIS has an important role to play in helping the private sector secure its business and critical infrastructure, whether from natural disaster, accidents, or planned actions, such as terrorist attacks, vandalism, etc. ASIS had previously chosen not to promulgate guidelines and standards, but world events have brought to the forefront the need for a professional security organization to spearhead an initiative to create security advisory provisions. By addressing specific concerns and issues inherent to the security industry, security guidelines will better serve the needs of security professionals by increasing the effectiveness and productivity of security practices and solutions, as well as enhancing the professionalism of the industry.

Mission Statement

To advance the practice of security through the development of guidelines within a voluntary, non-proprietary, and consensus-based process utilizing to the fullest extent possible the knowledge, experience, and expertise of ASIS membership and the security industry.

Goals and Objectives

- Assemble and categorize a database of existing security-related guidelines
- Develop methodology for identifying new guideline development projects
- Involve ASIS Councils, interested members, and other participants to support guideline development
- Identify and establish methodology for development, documentation, and acceptance of guidelines
- Build and sustain alliances with related organizations to benchmark, participate in, and support ASIS guideline development
- Produce national consensus-based guidelines in cooperation with other industries and the Security Industry Standards Council

Functions

- Establish guideline projects
- Determine guidelines for development and assign scope
- Assign participating Council(s), where appropriate
- Approve membership on guideline committees
- Act as a governing body to manage and integrate guidelines from various Councils and security disciplines
- Review and monitor projects and guideline development
- Approve Final Draft Guideline and Final Guideline
- Select guidelines for submission to the Security Industry Standards Council and the American National Standards Institute (ANSI)



WORKPLACE VIOLENCE PREVENTION AND RESPONSE GUIDELINE

SAFETY Act Designation

In April 2005, the U.S. Department of Homeland Security (DHS) awarded ASIS International a Designation for its Guidelines Program under the SAFETY Act (Support Anti-Terrorism by Fostering Effective Technology Act of 2002). This Designation is significant in three ways: (1) it establishes that ASIS guidelines are qualified to be a “technology” that could reduce the risks or effects of terrorism, (2) it limits ASIS’ liability for acts arising out of the use of the guidelines in connection with an act of terrorism, and (3) it precludes claims of third party damages against organizations using the guidelines as a means to prevent or limit the scope of terrorist acts.

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1.0 TITLE

The title of this document is Workplace Violence Prevention and Response Guideline.

2.0 REVISION HISTORY

Baseline Document.

3.0 COMMISSION MEMBERS

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5.0 GUIDELINES DESIGNATION

This guideline is designated as ASIS GDL WPV 09 2005.

6.0 SCOPE

The Workplace Violence Prevention and Response Guideline applies to both private and public sector organizations. The guideline provides an overview of general policies, structures, and practices that organizations can adopt to: (i) help prevent threatening misconduct and violence affecting the workplace; and (ii) better respond to and resolve incidents of threats and violence that occur.

7.0 SUMMARY

This guideline presents practical definitions of workplace violence and the continuum of acts and behavior, from less severe to more severe, and a classification of workplace violence incidents based on the relationship of perpetrator to victim. It outlines prevention strategies and procedures for detecting, investigating, managing, and following up on threats or violent incidents that occur in a workplace. The guideline covers the following topics: (a) Workplace Violence—A Broad Concern for Employers; (b) the Need for a Multidisciplinary Response; (c) Preparedness and Prevention; (d) Threat Response and Incident Management; (e) Integrating the Issue of Domestic Violence into Workplace Violence Prevention Strategies; and (f) the Role of Law Enforcement. The guideline contains a focus on workplace violence Types II through IV, as defined in Section 11.2 below. Additional workplace violence prevention resources are listed in Section 18.0, References/Bibliography.

8.0 PURPOSE

While there is no precise measure of the full extent and cost of violence in the workplace, it clearly represents a major challenge, affecting an estimated 1.7 million¹ employees directly and millions more indirectly every year. Similarly, the benefit of improved violence prevention measures in the workplace cannot be calculated with precision, since there is no way to count or measure the cost of incidents that have been prevented. As a general rule, however, it is beyond reasonable dispute that the costs associated with prevention will be lower than the costs that violence exacts in the form of lost production and earnings, disrupted business activity, damaged morale, and medical and legal expenses. A violent act in the workplace affects more than just the person or persons who are directly threatened or harmed. It affects the entire workforce, damaging the sense of community and trust and employees' confidence that they will be safe while doing their jobs. In this sense, everyone in the organization is harmed when violence occurs, and, correspondingly, everyone shares in the benefits when violence is prevented. Everyone carries, too, the obligation to keep the workplace safe and violence-free. The key to an effective anti-violence strategy is an integrated approach, drawing on skills and capabilities from all parts of an organization's structure. This guideline is intended to serve as an educational and practical tool that

¹Violence in the Workplace, 1993-1999. Special Report, U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics. Washington, DC: December 2001, NCJ 190076.

organizations can use as a resource in developing policies, structures, and practices that will help prevent and manage the range of inappropriate behaviors that fall within the rubric of workplace violence.

9.0 KEY WORDS

Incident Management, Incident Management Team, Threat, Violence Risk Assessment, Workplace Violence, Workplace Violence Program, Workplace Violence Typology.

10.0 TERMINOLOGY

The following words or terms are defined below, as they will be used throughout this guideline.

Case Management: See Incident Management below.

Incident Management: Also termed “Case Management.” Incident Management refers to the processes, strategies, and methods followed by a Threat Management Team to (a) receive reports of behaviors requiring assessment, (b) assess the cases, (c) develop and implement an intervention strategy, and (d) monitor the case until final resolution is achieved.

Incident Management Team: See Threat Management Team below.

Threat: A Threat refers to any verbal or physical behavior or communication that reasonably could be interpreted as communicating or conveying intent to cause physical harm to a person or property.

Threat Assessment: See Violence Risk Assessment below.

Threat Management Team: Also termed an Incident Management Team. A Threat Management Team refers to the personnel designated within an organization to receive, respond to, and resolve reported situations made under an organization’s workplace violence program.

Violence Risk Assessment: Also termed a “Threat Assessment.” A Violence Risk Assessment refers to the investigative and analytical process followed by a specifically qualified professional to determine the nature of the threat and level of risk of violence presented by an individual and the steps to be taken to mitigate the risk.

Workplace Violence: As further defined and discussed in Section 11 below, Workplace Violence refers to a broad range of behaviors falling along a spectrum that, due to their nature and/or severity, significantly affect the workplace, generate a concern for personal safety, or result in physical injury or death.

Workplace Violence Program: A Workplace Violence Program refers to a collection of policies, structures, and practices adopted by an organization to help prevent workplace violence and to assist the organization in effectively managing reported incidents of workplace violence or threats.

Workplace Violence Typology: As described in Section 11 below, U.S. occupational health and safety agencies have developed a workplace violence classification system, or

Workplace Violence Typology, that categorizes workplace violence incidents according to the relationship of perpetrator to victim.

11.0. WORKPLACE VIOLENCE—A BROAD CONCERN FOR EMPLOYERS

The term “workplace violence” most often conjures up frightening images of disgruntled or deranged workers who unleash deadly shooting spree harming multiple victims—the kind of events that periodically appear in newspaper headlines and national TV news reports. Such headlines may have helped create a national awareness of workplace violence. But by focusing on one of its rarest forms – multiple homicides by former or current employees – media accounts may also have obscured the true breadth and magnitude of this costly and widespread problem.

Workplace homicides are committed by non-employees much more often than by coworkers, and other forms of workplace violence are vastly more common than homicide. For the great majority of employers, dealing with workplace violence means tackling aggressive harassment, threats, non-fatal assaults, and other conduct that raises a concern for the safety of people or property. These events make no headlines but are the crux of the workplace violence problem – a significant and broad problem that crosses industry lines and affects large and small employers alike.

11.1. Defining Workplace Violence

Any definition of workplace violence must be broad enough to encompass the full range of behaviors that can cause injury, damage property, impede the normal course of work, or make workers, managers, and customers fear for their safety. For purposes of this guideline, workplace violence is defined as follows:

Workplace violence refers to a broad range of behaviors falling along a spectrum that, due to their nature and/or severity, significantly affect the workplace, generate a concern for personal safety, or result in physical injury or death.

At the low end of the workplace violence spectrum lie disruptive, aggressive, hostile, or emotionally abusive behaviors that generate anxiety or create a climate of distrust, and that adversely affect productivity and morale. These behaviors of concern could – but will not necessarily – escalate into more severe behavior falling further along the workplace violence spectrum; however, independent of the question of possible escalation, these behaviors are in themselves harmful and for that reason alone warrant attention and effective intervention.

Further along the spectrum are words or other actions that are reasonably perceived to be intimidating, frightening, or threatening to employees and that generate a justifiable concern for personal safety. These behaviors include, among others, direct, conditional or veiled threats, stalking, and aggressive harassment.

At the high end of the spectrum are acts of overt violence causing physical injury. These acts include non-fatal physical assaults with or without weapons – including pushing, shoving, hitting, kicking, or biting – and, in the worst cases, lethal violence inflicted by shooting, stabbing, bombing or any other deadly means.

In addition to acts that frighten or harm others, workplace violence includes threats or damage to company property and words or actions indicating that an employee might harm him or herself at the workplace.

Where threatening or violent behavior is motivated by a characteristic that is legally protected against discrimination (*e.g.*, gender, race, ethnicity, religion, and so forth), workplace violence includes conduct that can generate a “hostile work environment” as legally defined under prevailing discrimination and harassment laws.

FIGURE 1. THE WORKPLACE VIOLENCE SPECTRUM



11.2. Workplace Violence Typology

U.S. occupational health and safety agencies have developed a classification system that categorizes workplace violence incidents according to the relationship of perpetrator to victim. This typology can prove helpful to those seeking to better understand the issue and to develop prevention and response strategies appropriate for different forms of workplace violence.

Type I—Criminal acts. Type I incidents are those in which a perpetrator has no relationship to the business and commits a violent act at a worksite in the course of committing another crime. For instance, a homicide or assault occurring in the course of a robbery is a form of Type I workplace violence.

Terrorist attacks directed at workplaces can be viewed as a sub-category of Type I violence.

Type II—Customer/client/patient violence. Type II incidents are those in which the perpetrator is not an employee but has a relationship with the business as a customer, client, or patient, and becomes violent while receiving services or for reasons engendered by the business relationship. For instance, when a psychiatric patient assaults a physician, or a disgruntled client or customer threatens a company or one of its employees, those incidents are classified as Type II.

Type III—Worker-on-worker violence. Type III incidents stem from an employment relationship: they include incidents in which a current or former employee (or independent contractor) harms or threatens to harm another employee.

Type IV—Violence stemming from a personal relationship. Type IV incidents are those that occur in the workplace but arise from a personal, or intimate, relationship between the perpetrator and victim. If someone is harassed, threatened, or harmed at his or her place of work by an abusive partner, that is a Type IV incident. Type IV incidents may occur in

instances where either the abused partner, the abuser, or both are employed at the workplace in question.

11.3. Measuring Workplace Violence

Studies on workplace violence reveal the seriousness and extent of the problem:

Homicides occur most frequently in industries at highest risk for Type I violence but happen elsewhere as well. The U.S. Department of Labor report entitled National Census of Fatal Occupational Injuries states that 631 homicides occurred in workplaces in 2003, the third leading cause of job-related injury deaths.² Of the 631 reported homicides, 480—or 76 percent—fell into the Type I workplace violence category, occurring during the course of a robbery or other crime. Research has identified retail trade, taxicab and transportation, and law enforcement and security industries as “high risk” workplaces for Type I incidents.

Of the other homicides that were reported in 2003, 30—or 5 percent—were in the Type II category, in which the killing was committed by a customer, client, or patient; 80—or 13 percent—were Type III violence, in which one worker killed another; and 37—or 6 percent—represented Type IV violence perpetrated by a personal acquaintance (most commonly a current or former husband or boyfriend). Information was not available on the classification of the four remaining killings.

Non-fatal incidents form the crux of the workplace violence problem. Homicides are the exception, not the rule, in workplace violence. By far, the larger part of the problem consists of threats and violence that result in non-fatal injuries or endangers workers or customers in a workplace. Because such incidents are often not reported, no finite statistics exist as to the number of workers who annually experience non-fatal assaults, verbal threats, harassment, stalking, and other conduct generating fear for personal safety. However, a variety of studies confirm that workplace violence affects a large number of Americans. A study conducted by the US Department of Justice, Bureau of Justice Statistics from 1993 to 1999, found that each year an estimated 1.7 million workers fell victim to non-fatal violent crime – simple or aggravated assault, robbery, and rape or sexual assault – while at work or on duty. The vast majority of these incidents—95 percent—involved simple assaults. The highest rates of violence occurred in law enforcement, retail sales, and health care settings.

Other data emerging from private studies show that employers perceive violence as a significant problem. In six of the last seven years, Fortune 1000 companies responding to an annual survey conducted by the Pinkerton security company cited workplace violence as the number one security threat facing companies. When the Society for Human Resources Management conducted a survey examining violent incidents and violence prevention activities over a three and a half year period ending in June 2003, two-thirds of the 270

²Bureau of Labor Statistics, U.S. Department of Labor. *National Census of Fatal Occupational Injuries, 2003*. USDL Pub. No. 04-1830. September 22, 2004. Additional statistical information in this section is taken from the following sources: Duhart, Detis. *Violence in the Workplace, 1993-99*. NCJ 190076. December 2001; Pinkerton. *Top Security Threats and Management Issues Facing Corporate America: 2003 Survey of Fortune 1000 Companies*. PCI 8473. March 2003; Society for Human Resources Management. *Workplace Violence Survey, 2004*; Hartley, Daniel, Biddle, Elyce A., and E. Lynn Jenkins. “Societal Cost of Workplace Homicides in the United States, 1992-2001.” *American Journal of Industrial Medicine*. 2005.

human resources professionals who responded to that survey reported that their organizations had experienced some form of workplace violence (defined very broadly within the survey) during that period. Most commonly, incidents involved inappropriate language, verbal abuse, and verbal threats of violence. The survey data indicated that larger organizations tended to experience a higher rate of incidents than small organizations.

Studies confirm the high cost of workplace violence. Other research has attempted in various ways to determine the cost of workplace violence. Using a model that calculates direct and indirect costs of workplace fatalities, including medical expenses and lost earnings, researchers from the National Institute for Occupational Safety and Health (NIOSH) estimated the average mean cost of a workplace homicide incident, from 1992 to 2001, to be \$800,000. The total cost of workplace homicides during this same time period totaled nearly \$6.5 billion. Studies have yet to capture the full cost of workplace violence in its many forms.

More measurement is needed. Our knowledge of the scale of workplace violence remains incomplete, without a consistent system of data collection or standardized or uniform definitions. Data regarding the less severe forms of workplace violence are particularly sparse. Data are also weak with respect to the economic and human costs of workplace violence and the effectiveness of known intervention strategies.³

11.4. Awareness and Action

Despite gaps, existing data pertaining to workplace violence have been sufficient to create a widespread awareness of the problem and its consequences. In response, governmental and private organizations in the U.S. and abroad have embarked on important initiatives and produced relatively extensive literature regarding risk factors, violence prevention and incident management strategies, the prevention needs of specific occupational groups, and other issues associated with workplace violence. For example, the U.S. Occupational Safety and Health Administration (OSHA) has published guidelines and recommendations for protecting employees in occupations that experience a high risk of Type I and Type II violence, such as health care workers, late-night retail employees, and taxi drivers. Some states have followed suit.⁴

In 1993, the U.S. Office of Personnel Management (OPM) convened an Interagency Working Group of experts from a variety of professions and federal agencies to develop workplace violence guidelines. In 1998, OPM published the document, *Dealing with Workplace Violence: A Guide for Agency Planners*, which established a methodology for developing workplace violence programs within federal agencies. In 2003, the National Center for the Analysis of Violent Crime of the Federal Bureau of Investigation (FBI) published *Workplace Violence: Issues in Response*, a monograph covering issues of prevention, intervention, violence risk assessment and management, as well as crisis management and critical incident response.

³See *Workplace Violence: A Report to the Nation*. University of Iowa Injury Prevention Research Center. Iowa City, Iowa: February 2001.

⁴See Speer, R. *Workplace Violence: A Legal Perspective*. Clinics in Occupational and Environmental Medicine, 3:733-749 (2003).

11.5. Workplace Violence and the Law

Workplace violence has emerged as a focus of attention in legal circles as well. Legal issues associated with workplace violence can be divided into two broad categories. The first arises from the legal responsibility of an employer to safeguard against preventable harm to employees, customers, and anyone else visiting a workplace: in other words, the duty to prevent violence. The second has to do with an employer's obligation to respect employee rights during any investigative or disciplinary process stemming from an incident involving workplace violence or a threat of violence: that is, the duty to appropriately manage incidents or threats that have occurred.

The latter category is discussed in Section 12 below. In terms of the first category, there is no specific law that spells out an employer's duty to prevent workplace violence. Instead, an employer's duty to prevent workplace violence emerges from occupational health and safety statutes at the federal and state level, and from judicial decisions (common law precedents) emerging from cases litigated nationwide. Collectively, these create a basic obligation by an employer to take responsible steps to safeguard a workplace from violence.

Under the federal Occupational Safety and Health Act and corresponding state statutes, each employer owes a "general duty" to protect employees against "recognized hazards" that are likely to cause serious injury or death. Workplace violence has been identified as one of those hazards, and both federal and state OSHA agencies have issued citations to employers under the Act's general duty clause for failure to protect employees against workplace violence.

An employer's obligation to maintain a safe place to work also arises from the legal principles that exist in most states under common law. Legal principles most commonly discussed in litigated cases involving workplace violence include:

- Premises liability (the duty of a property owner to take responsible steps to guard against reasonably foreseeable violence)
- Respondeat superior (an employer's indirect liability for the wrongful acts of an employee committed within the course and scope of employment);
- Sexual and other forms of harassment prohibited under discrimination laws (when threats or violence are motivated by a victim's protected status); and
- A collection of negligence theories, including negligent hiring (the failure to properly screen job applicants, particularly for sensitive positions involving a high degree of interaction with the public); negligent supervision (the failure to supervise employees and to discipline violators of anti-violence rules); and negligent retention (the failure to terminate employees who have engaged in behavior in violation of company policies).⁵

The abundance of activity around the issue makes clear that workplace violence is an important concern for American employers. It also tells employers that if they wish to take

⁵See Speer (2003).

steps to protect their employees, customers, and property from violence, they need not reinvent the wheel but can draw on knowledge and experience that is already available.

One lesson that emerges from the work already done in the field is that workplace violence cannot be the exclusive concern of any single division or constituency in an organization, or the community in which the organization operates. An effective response will require a multidisciplinary approach involving the attention and efforts of multiple stakeholders.

12.0. THE NEED FOR A MULTIDISCIPLINARY APPROACH

Responsibility for workplace violence prevention and response does not fall neatly into any one segment of an employer's organizational chart. It is not exclusively a security issue, a human resources issue, an employment law issue, a behavioral issue, or a management issue, but instead touches on each of these disciplines. Consequently, determining who in an organization will be responsible for dealing with the many aspects of workplace violence is not a simple matter. The most effective response requires a multidisciplinary approach, drawing on different parts of the management structure, with different tasks, perspectives, areas of knowledge, and skills.

Accordingly, the first steps in developing a workplace violence prevention and response strategy involve identifying the personnel who will carry primary responsibility for preventing and responding to incidents of violence, providing them with necessary resources and training, and creating policies and procedures that will enable them to work as a coordinated team rather than separately.

12.1. Key Stakeholders

In many organizations, the major responsibility for addressing workplace violence issues will fall on security, human resources, and legal personnel. The roles of these three groups will reflect the different resources and capabilities they bring to the problem:

Security. Security personnel will typically be the first contacted about a violent incident or a threat of violence. In larger organizations, providing a safe workplace may be the function of a security manager or an entire department that has no other responsibilities outside the security field. In smaller organizations, security responsibilities may fall on the owner or other members of management.

Security professionals are likely to constitute the best source of practical expertise on such topics as on-site physical security; appropriate incident management techniques, including initial risk screening; background investigations; and law enforcement intervention and coordination. Prior to any incident, security personnel often become critical in assisting an organization in developing an overall workplace violence program and in carrying out certain components of the program, such as implementing physical security, conducting employee background screenings, and assisting in investigations of potentially violent situations.

Security personnel will become instrumental during an incident, as well, as they may become involved in controlling and securing the worksite during a violent incident. Security

personnel may also become involved in defusing and containing threatening situations until police can reach the scene.

Finally, security personnel can provide valuable assistance to law enforcement officers who respond to a threat or violent incident. Frequently, security personnel will have established relationships with local police agencies, which can help expedite police response to an incident.

Human Resources. Human resources personnel play a central role in an organization's violence prevention and response strategies as part of their broader responsibilities in the area of employee relations. In many companies, human resources will occupy a leadership role in developing the workplace violence prevention and response program and relevant policies, practices, and procedures, organizing and conducting training, and enforcing anti-violence policies through appropriate discipline. In workplaces where employees are represented by a union, human resources may become involved in negotiating with labor representatives on the structure under the organization's workplace violence prevention and response program, including disciplinary measures to be taken following breaches of anti-violence policies.

Human resources personnel can play a central management role before, during, and after an incident. Often, an organization's policies will require initial reports of threats or violence to be directed to human resources, as well as to security and other relevant members of management. Following receipt of a report, human resources will contribute key skills to the incident management process. Their experience in investigating alleged violations of workplace rules and policies equips them to weigh and strike the right balance between competing interests, such as the needs for confidentiality and for thoroughness. Their expertise can help prevent disciplinary decisions based on incomplete or inaccurate information, which could leave employers facing substantial legal liability. Further, as discussed in sections below, human resources personnel may be trained to conduct initial risk level screening of reports made under an organization's workplace violence policy.

Finally, human resources personnel can play a helpful and necessary role when an organization is considering disciplining or terminating an employee who has violated a workplace violence policy; when it seeks to assist an employee by referring him or her to an Employee Assistance Program or other service; and when it is dealing with disruptions or other problems affecting employees and workgroups involved in an incident.

Legal. Legal counsel is responsible for helping an organization to meet its legal obligations and for otherwise safeguarding the organization from legal liability. In that role, legal counsel – whether from a firm's own legal department or from an outside law firm – will involve itself in ensuring that the organization has met legal requirements related to the prevention of workplace violence, as well as assuring that the organization has considered and properly navigated the myriad of legal issues that arise during incident management.

Before an incident, counsel serves a crucial role in helping security and human resources develop appropriate and legal policies, practices, and procedures related to violence prevention. During an incident, counsel can advise security and human resources on a number of legal issues that arise during incident management, including: