

A S I S I N T E R N A T I O N A L

Workplace Violence Prevention and Intervention

ASIS/SHRM WVPI.1-2011

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WORKPLACE VIOLENCE PREVENTION AND INTERVENTION

Approved September 2, 2011

American National Standards Institute, Inc.

ASIS International and the Society for Human Resource Management

Abstract

This Standard provides an overview of policies, processes, and protocols that organizations can adopt to help identify and prevent threatening behavior and violence affecting the workplace, and to better address and resolve threats and violence that have actually occurred. This Standard describes the personnel within organizations who typically become involved in prevention and intervention efforts; outlines a proactive organizational approach to workplace violence focused on prevention and early intervention; and proposes ways in which an organization can better detect, investigate, manage, and – whenever possible – resolve behavior that has generated concerns for workplace safety from violence. The Standard also describes the implementation of a Workplace Violence Prevention and Intervention Program, and protocols for effective incident management and resolution.

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ASIS International and the Society for Human Resource Management collaborated in the development of the *Workplace Violence Prevention and Intervention* Standard.

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American National Standard –

Workplace Violence Prevention and Intervention

1 SCOPE OF THE STANDARD

This Standard provides an overview of policies, processes, and protocols that organizations can adopt to help identify and prevent threatening behavior and violence affecting the workplace, and to better address and resolve threats and violence that have actually occurred. This Standard describes the personnel within organizations who typically become involved in prevention and intervention efforts; outlines a proactive organizational approach to workplace violence focused on prevention and early intervention; and proposes ways in which an organization can better detect, investigate, manage, and -- whenever possible -- resolve behavior that has generated concerns for workplace safety from violence. In particular, the Standard discusses the implementation of a Workplace Violence Prevention and Intervention Program, and protocols for effective incident management and resolution.

This Standard is meant to serve as a tool and resource that organizations of any size can use to evaluate, develop, and implement policies, structures, and practices related to workplace violence. The requirements and recommendations remain at a generic level, with the expectation that organizations undertaking to implement prevention and intervention strategies will integrate specificity and detail as appropriate for their organization.

The Standard reflects a majority consensus among professionals from disparate disciplines (including security, human resources, mental health, law enforcement, and legal arenas) regarding practices viewed as effective, recommended, and – in some cases – essential through work in this field. In many ways, this Standard will help organizations to discharge important legal responsibilities related to their need to maintain a safe workplace; it is not intended, though, to set or define new legal obligations.

This Standard is applicable to any organization that chooses to establish, implement, maintain, and improve upon:

- (1) A Workplace Violence Prevention and Intervention Program.
- (2) A Threat Management protocol.
- (3) Practices that can assist the organization in effectively managing post-incident issues.

2 NORMATIVE REFERENCES

The following documents contain information which, through reference in this text, constitutes foundational knowledge for the use of this American National Standard. At the time of publication, the editions indicated were valid. All material is subject to revision, and parties are encouraged to investigate the possibility of applying the most recent editions of the material indicated below.

3 DEFINITIONS

The following words or terms are defined below as they will be used throughout this Standard:

3.1 Can/may/should/shall: “Shall” denotes *requirements of the document*; it is used to indicate requirements strictly to be followed in order to conform to the document. “Should” denotes *recommendations*; it is used to indicate that among several possibilities, one is recommended as particularly suitable, without mentioning or excluding others, or that a certain course of action is preferred but not necessarily required, or that (in the negative form) a certain possibility or course of action is deprecated but not prohibited. “May” denotes *permission*; it is used to indicate a course of action permissible within the limits of the document. “Can” denotes *possibility and capability*; it is used for statements of possibility and capability, whether material, physical, or causal.

3.2 Case Management: See *Incident Management*.

3.3 Case Management Team: See *Threat Management Team*.

3.4 Employee Assistance Program (EAP): An employee benefit involving mental health counseling offered by some employers, typically in conjunction with a health insurance plan. EAPs are intended to help employees deal with personal problems that might adversely affect their work performance, health, and well-being. EAPs generally provide short-term counseling and referral services for employees and their household members. As a general matter, communications are confidential as between the employee and EAP, with two exceptions: (i) mental health providers have a “duty to warn” if the employee poses a credible risk of violence; or (ii) the employee authorizes the release of clinical information.

3.5 Fitness for Duty Examination: Distinct from a *Violence Risk Assessment* (see definition for *Violence Risk Assessment*). A process at times imposed by an employer when an employee exhibits behavior that does *not* generate a concern for safety from violence but that impedes job functioning and could be related to a physical, mental, or emotional disorder. The process is conducted by a licensed mental health professional specifically trained and qualified to evaluate the impact of clinical conditions on job-related functioning and to assess whether the employee is fit to perform the essential functions of his or her job, with or without a reasonable accommodation by the employer.

3.6 Incident Management: Synonymous with *Case Management* and *Threat Management*. The process and practice of responding to reports, made to or coming to the attention of management, regarding problematic behavior that has generated concerns under the organization’s workplace violence prevention policy.

3.7 Incident Management Team: See *Threat Management Team*.

3.8 Intimate Partner Violence: Synonymous with *domestic violence, domestic abuse, spousal abuse, and family violence*. Can be broadly defined as a pattern of abusive behaviors in an intimate relationship

(whether heterosexual or homosexual), including marriage, cohabitation, dating, family, or friendship. Intimate partner violence can consist of physical aggression, threats, stalking, sexual abuse, psychological abuse, neglect, economic deprivation, and any form of threatening, injurious, and violent acts.

3.9 Risk Assessment: See *Violence Risk Assessment*.

3.10 Threat: Any verbal or physical conduct that conveys an intent or is reasonably perceived to convey an intent to cause physical harm or to place someone in fear of physical harm.

3.11 Threat Assessment: See *Violence Risk Assessment*.

3.12 Threat Management: See *Incident Management*.

3.13 Threat Management Team: Synonymous with *Incident Management Team* and *Case Management Team*. A multi-disciplinary group of personnel selected by an organization to receive, respond to, and resolve reports of problematic behavior made under the organization's workplace violence prevention policy. For clarity and consistency, this Standard will employ the term "Threat Management Team," even though it is acknowledged that the Team will assemble to address some reports made under an organization's workplace violence prevention policy that do not ultimately involve an actual threat.

3.14 Violence Risk Assessment: Also termed a *Threat Assessment* and *Risk Assessment*. A Violence Risk Assessment refers to the investigative and analytical process followed by a professional qualified by education, training, or experience to determine the nature and level of risk of violence presented by a person and the steps that could be taken to respond to, manage, and mitigate the risk. A violence risk assessment remains distinct from a *fitness for duty examination* (above) and a *violence risk screening* (below).

3.15 Violence Risk Screening: A Violence Risk Screening refers to the investigative and analytic process followed by a Threat Management Team to make a gross and general determination of whether particular behavior should be viewed as generating a concern for possible violence and thereby should be treated under an organization's Threat Management protocols. A violence risk screening remains distinct from a *violence risk assessment* (above) which requires specifically-trained and qualified personnel.

3.16 Workplace Violence: A spectrum of behaviors – including overt acts of violence, threats, and other conduct – that generates a reasonable concern for safety from violence, where a nexus exists between the behavior and the physical safety of employees and others (such as customers, clients, and business associates) on-site, or off-site when related to the organization.

3.17 Workplace Violence Prevention Policy: A written policy adopted by an organization that strictly prohibits violence and threats affecting the workplace, as well as other behavior deemed inappropriate by the organization from a violence-prevention standpoint.

3.18 Workplace Violence Prevention and Intervention Program: Synonymous with *Workplace Violence Program*. A coordinated collection of policies, procedures, and practices adopted by an

organization to help prevent workplace violence and to assist the organization in effectively responding to reports of problematic behavior made under the organization's workplace violence prevention policy.

3.19 Workplace Violence Program: See *Workplace Violence Prevention and Intervention Program*.

3.20 Workplace Violence Typology: A classification system developed by the US Occupational Safety and Health Administration (OSHA) that categorizes incidents of workplace violence according to the relationship of the perpetrator to the victim or target and the workplace.

4 DEFINING THE REACH OF PREVENTION AND INTERVENTION EFFORTS

4.1 A Working Definition of "Workplace Violence"

An organization that chooses to develop and implement workplace violence prevention and intervention efforts must begin by considering the scope of these efforts. An organization should, to the best of its ability, engage in efforts designed to prevent the most extreme forms of violence, such as deadly shootings. At the same time, those events remain statistically uncommon. Instead, organizations more often will find themselves needing to manage an array of problematic behavior that falls short of homicide or even simple assault. The spectrum of concerning conduct that an organization can face is broad and includes (among other behavior) not only assaults but direct or veiled threats of violence, stalking, threats to or at the workplace made by the violent or abusive partner of an employee, and erratic and aggressive behavior by an employee.

The context in which problematic behavior can occur is diverse: it can happen on-site; during work-related travel; at a work-sponsored event; or during other work-related activities, such as a sales event or client meeting. The perpetrators themselves also add a complicating dimension, for violence and threats can occur at the hands of a current or former employee, independent contractor, or temporary worker; a past, current, or prospective client or customer; a family member or partner of an employee; a vendor or someone providing professional services to an organization; or even a person with no connection with the organization whatsoever but who has developed an inappropriate fixation on it.

Given those complexities, a working definition of workplace violence for purposes of establishing the scope of an organization's prevention and intervention efforts should capture a spectrum of behaviors implicating workplace safety while also avoiding over-reaching. *A working definition should encompass all conduct implicating physical violence that an organization will be called on to intervene in, and that it is legally required to intervene in.* Namely:

- (i) A working definition should include physical violence towards a person, as well as threats of violence, whether direct or indirect (or "veiled"). This category of behavior includes all forms of physical violence (irrespective of how harmful or severe), and all stated threats of violence, whether direct ("I'm going to kill you!"), indirect ("I'm going to make sure you get what you deserve!"), or conditional ("If he fires me, I will kill him!")

- (ii) Beyond acts of violence and stated threats, the definition should include behavior that has generated a concern for safety from violence due to its nature and severity. This category includes a variety of conduct that might act as “warning signs” or precursors to possible violence; it includes behavior that, from the perspective of a reasonable person, has generated a concern that someone might act out violently (whether or not the person intends to or does). Examples include (but certainly are not limited to) stalking; erratic and bizarre behavior caused, for instance, by mental illness or substance abuse; overt physical intimidation and aggression; and suicidal statements from an employee who appears despondent. The definition should include this behavior for several important reasons: (1) the behavior is disruptive in and of itself, whether or not it progresses to actual violence; (2) the behavior offers a chance at intervention, before it can progress to violence; and (3) the conduct can be seen as putting an organization “on notice” of possible violence, triggering important legal obligations for the organization to act.
- (iii) For purposes of this Standard, Workplace Violence *excludes* behavior that can be severely disruptive and psychologically damaging, but is not of the nature or severity to raise concerns for *physical* safety. By way of example, Workplace Violence excludes abusive management and “bullying,” unless it rises to the level of conduct described in item (ii) above.
- (iv) As an important aspect, the definition must limit itself to behavior relevant to workplace safety; it must have a “nexus” to the workplace, even if it does not occur strictly *at* the workplace. Tracking the reach of an organization’s legal liability, the definition must contemplate behavior occurring on-site, off-site during work-related activities (such as business meetings), and occurring anywhere at all but with an impact or reasonably foreseeable impact on safety at the workplace or during work-related activities (such as a threat made off-site that someone has threatened to carry out on-site).
- (v) Next, the definition must contemplate that the *perpetrator* can be anyone at all, so long as, again, the behavior has a “nexus” to the workplace. Reflective of this broad “relational” component, the US Occupational Safety and Health Administration and its state counterparts approach workplace violence from the vantage point of “typologies” that address a number of different relationships between the perpetrator and the organization, and victim or target. These typologies are discussed in more detail in Section 6.1.2.
- (vi) Along those same lines, the definition must contemplate that the *victim or target* can be anyone, so long as, again, a “nexus” exists to the workplace. So, for instance, the victim or target can be not only an employee, but a visitor to the workplace or to an organization-sponsored event (such as a vendor, client, and so forth).

Synthesizing the above broad principles, an organization, in determining the scope of its prevention and intervention efforts, should view Workplace Violence as:

A spectrum of behaviors, including overt acts of violence, threats, and other conduct that generates a reasonable concern for safety from violence, where a nexus exists between the behavior and the physical safety of employees and others (such as customers, clients, and business associates), on-site, or off-site when related to the organization.

4.2 Legal, Regulatory, and Contractual Requirements

An organization that chooses to adopt workplace violence prevention and intervention efforts shall identify and assess legal, regulatory, and contractual requirements that influence the scope of those efforts and the manner in which they should be carried out. The organization shall consider, among other requirements and recommendations:

- a) Applicable requirements and guidelines promulgated by the U.S. Department of Labor Occupational Safety and Health Administration (Fed-OSHA) related to workplace violence prevention. In particular, it should examine: (i) its duties under the “general duty” clause of the federal Occupational Safety and Health Act; and (ii) specific guidelines pertinent to health care and social service workers, and late-night retail establishments.
- b) Applicable requirements and guidelines established by state Occupational Safety and Health agencies related to workplace violence prevention. In particular, it should examine: (i) duties under applicable state “general duty” clauses; and (ii) specific industry guidelines and requirements promulgated by state agencies.
- c) Common law principles, and local laws and ordinances, that define required prevention efforts, such as (i) premises liability; (ii) respondent superior, (iii) negligence theories, and (iv) discrimination and harassment laws, where threats and violence are motivated by a protected characteristic.
- d) Any obligations under an applicable collective bargaining agreement.

The organization shall consider these requirements, and review them periodically to ensure currency with evolving laws, regulations, and contractual requirements.

5 ESTABLISHING MULTIDISCIPLINARY INVOLVEMENT

Due to the complex and multi-dimensional nature of workplace violence, effective prevention and intervention strategies require a multidisciplinary approach involving the participation of multiple stakeholders within an organization. Workplace violence is not exclusively a security, human resources, employment law, management, employee health or behavioral problem, but implicates each of these disciplines. Accordingly, effective prevention and intervention efforts will draw on the knowledge, skills, and participation of several stakeholders – particularly those in the areas of human resources, security, law, and mental health.

An organization that desires to develop and implement prevention and intervention efforts should begin by considering who within the organization will hold responsibility for: (i) developing and implementing the Workplace Violence Prevention and Intervention Program; (ii) conducting ongoing Threat Management; and (iii) periodically assessing the effectiveness of the Program.

The organization shall consider the involvement of the following personnel listed in the subsections below.

5.1 Top Management

Effective workplace violence prevention and intervention efforts require a clear “top-down” commitment to ensure that the right resources are allocated to develop a workplace violence prevention and intervention program; to effectively carry out incident management; and to secure training, outside consulting, physical security measures, and other items essential to successful prevention and intervention efforts.

An organization that chooses to implement effective prevention and intervention strategies should obtain the participation of executive or top-level management in accomplishing some or all of the following tasks:

- a) Establishing the Workplace Violence Prevention and Intervention Program as an organizational priority and thereby helping to set the right “tone at the top.”
- b) Reviewing and approving a workplace violence prevention policy.
- c) Appointing appropriate personnel to develop, implement, and monitor the Workplace Violence Prevention and Intervention Program.
- d) Providing sufficient resources and authorizations to establish, implement, operate, monitor, and maintain the Program, including through employee training and education.
- e) Providing sufficient resources and authorizations as required during Incident Management.

5.2 Other Key Stakeholders and Participants

An organization should strive to engage *all* employees in the process of creating a safe and secure work environment. However, depending on the size, resources, preferences, and internal workings of an organization, the major responsibility for establishing a Workplace Violence Prevention and Intervention Program – and conducting Incident Management – will largely fall on human resources, security, and legal personnel. A number of other sectors may also become involved in helping the organization to develop and implement prevention strategies and/or to respond to threats and violent incidents.

An organization that chooses to implement effective prevention and intervention strategies should begin by considering the productive involvement of the following personnel in its various efforts as detailed in the subsections below.

5.2.1 Human Resources

Human Resources personnel commonly play a central role in establishing and implementing an organization’s violence prevention and intervention strategies, typically as part of broader responsibilities in the area of employee relations management. In many organizations, Human Resources will occupy a leadership role in:

- a) Developing the Workplace Violence Prevention and Intervention Program, and relevant policies, procedures, and practices;
- b) Organizing and conducting training;

- c) Participating in incident management; and
- d) Enforcing workplace violence policies through appropriate corrective action.

In addition, employees often will direct their concerns or complaints about threats or violence to Human Resources. After receiving a report, Human Resources often will contribute key skills to incident management, including – but not limited to – escalating the report to appropriate personnel, conducting or assisting with the investigatory process, communicating with affected or involved employees, and providing input as the organization attempts to address and resolve a report through the imposition of disciplinary action or other remedial or preventive measures.

In workplaces where employees are represented by a union, Human Resources also may become involved in negotiating with labor representatives regarding policies and procedures established under the organization's workplace violence prevention and intervention program, including disciplinary measures to be taken following policy breaches.

5.2.2 Security

Workplace violence prevention typically will find core support and involvement among security personnel already oriented around questions of workplace safety.

Depending on their training and experience, security personnel can contribute practical expertise on a range of topics related both to prevention and intervention – such as on-site physical security, employee background screening and other background investigations, incident management techniques, coordination with other critical incident management practices in place in the organization, and law enforcement intervention and coordination.

In addition, like Human Resources, security personnel often will be the first contacted about a threat or violent incident and will assist in providing an appropriate initial response and escalating the incident as needed. During an incident, security personnel may become involved in controlling and securing the worksite and assisting law enforcement responders. Frequently, security personnel will have established a relationship with local police agencies, which can help expedite police response to an incident.

5.2.3 Legal Counsel

Legal counsel is tasked with helping an organization to understand and comply with legal obligations related to workplace violence prevention and intervention. Legal counsel – whether from an organization's own legal department or from an outside law firm – should involve itself in ensuring that the organization has met legal requirements related to violence prevention, and that it properly navigates the numerous legal issues that arise during incident management.

Before an incident, counsel (in particular, an attorney with employment law expertise) can serve a crucial role in helping management to develop appropriate and legally-compliant policies, procedures, and practices related to violence prevention and intervention. During an incident, counsel should work in close coordination with Human Resources, Security, and other involved management to advise the organization regarding such matters as: