

Anatomy of Workplace Violence: Identification, Prevention, and Response





CONTENTS

- 2 Executive Summary
- 3 Defining Workplace Violence
- 4 Who Is at Risk
- 6 Who Commits Workplace Violence
- 7 Preventing Workplace Violence
- 11 During an Incident
- 12 After an Incident
- 13 Insurance Considerations
- 14 Conclusion

EXECUTIVE SUMMARY

Every year, nearly two million American workers are victims of workplace violence. It is a growing and persistent concern for organizations, threatening not only the safety of their employees, customers, and others, but their financial wellbeing. Many organizations are attempting to make their workplaces safer.

Following are some key points from Marsh's *Anatomy of Workplace Violence* report:

- ▶ Although workplace violence can strike anywhere, at any time, some industries and occupations are at higher risk than others. For example, retail workers, restaurant employees, bartenders, taxi drivers, home health caregivers, public servants, and educators are among those at higher risk.
- ▶ A common misconception is that workplace violence is predominantly committed by disgruntled employees. In fact, only a fraction of incidents are committed by an individual with whom victims had a work relationship.
- ▶ While it is not always possible to profile potential employee perpetrators, certain red flags or behavioral signs have been identified.
- ▶ Zero-tolerance policies toward violence, including bullying and other abusive behavior, can form an important part of a workplace violence prevention program.
- ▶ The US Occupational Safety and Health Administration (OSHA) recommends that employers establish and assemble a standing threat-assessment team charged with managing workplace conflicts as they are identified.
- ▶ An effective hiring process can help companies avoid hiring potentially violent individuals.
- ▶ For existing employees, on-the-job monitoring, performance-based feedback, and anti-bullying policies can play key roles in a workplace violence prevention program.
- ▶ Because it is not possible to guarantee that violent events will be eliminated, organizations should have plans that address securing the workplace, incident response, and post-incident response.
- ▶ Various insurance policies may come into play following an incident. It is important to understand your policies before an event happens, and to know the requirements for filing a claim.

DEFINING WORKPLACE VIOLENCE

What is workplace violence? The US Occupational Safety and Health Administration (OSHA) defines it as “any incident in which a person is abused, threatened or assaulted in circumstances relating to their work.” Examples may include physical violence such as kicking, spitting, hitting, pushing, and assaults with a weapon, as well as verbal attacks such as shouting, swearing, insults, racial or sexual abuse, threats, and intimidation. However, workplace violence is not limited to employees. It can involve clients, customers, and visitors. For example:

- ▶ A domestic dispute spills over into a spouse’s work setting.
- ▶ A bullying episode between office coworkers escalates into a shouting match and fistfight.
- ▶ A frustrated customer attacks a retail store’s employee.
- ▶ A student stabs a high school teacher when she tries to confiscate a knife.
- ▶ A hospital patient’s family member attacks a nurse.
- ▶ A convenience store robbery ends in gunfire.

Workplace violence is a growing and persistent concern. Employers and employees both need to be prepared for all forms of workplace violence. Of the 4,679 fatal workplace injuries that occurred in the United States in 2014, nearly 10% (403) were homicides.¹ This data includes only employees, but others can be injured or killed during a workplace violence event.

In a worst-case scenario, such as an active shooter incident, assailants seek to inflict considerable harm, quickly. They may target employees, customers, guests, security personnel, law enforcement, and others.

FAR-REACHING IMPACTS

Workplace violence is a serious issue for organizations and employees. The human impacts range from potential temporary or permanent psychological symptoms to physical disability or death. For an organization, a violent incident can result in property damage, business interruption expenses, and reputational issues and can precipitate litigation and insurance claims — ranging from workers’ compensation to general liability to professional liability.

Many organizations are attempting to make their workplaces safer. Taking such steps isn’t just prudent — it’s the law. According to the Occupational Safety and Health Act of 1970, all employers have a legal obligation to provide a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees.” In addition to federal regulations, 26 US states have their own OSHA plans, meaning organizations should review state-specific requirements on workplace violence. Failure to comply with federal or state OSHA rules may result in a citation, legal claims for negligence, and lawsuits alleging breach of contract.

\$121 billion

The annual economic cost of workplace violence.

(Source: National Institute for Occupational Safety and Health)

Moreover, the American National Standard's *Workplace Violence Prevention and Intervention* report produced jointly by the Society for Human Resource Management (SHRM) and American Society for Industrial Security (ASIS), has emerged as the de facto legal benchmark for civil suits against

employers. The publication "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."

2 million

The average number of Americans who are victims of workplace violence each year.

(Source: US Bureau of Labor Statistics)

WHO IS AT RISK

Workplace violence does not discriminate. It can occur nearly anywhere and at any time. Some occupations face an elevated risk, including:

- ▶ Retail workers, especially convenience store, liquor store, and gas station employees.
- ▶ Bartenders and restaurant employees, especially in fast food establishments.
- ▶ Health care professionals, especially in the mental health realm.
- ▶ Home health care workers, such as visiting nurses and psychiatric evaluators.
- ▶ Public service employees such as social workers, as well as law enforcement officers, security guards, and probation officers.
- ▶ Educators at all levels.
- ▶ Customer service agents, including call center employees.

In addition, OSHA has identified several employee or job characteristics that lend themselves to increased risk of falling victim to workplace violence, including:

- ▶ Working with volatile or unstable individuals.
- ▶ Working alone or in small groups.
- ▶ Working in isolated or high-crime areas.
- ▶ Working where alcohol is served.
- ▶ Working late night or early morning shifts.
- ▶ Exchanging money with the public, such as convenience store employees.
- ▶ Delivering passengers, goods, or services, such as taxi drivers, delivery personnel, mail carriers, phone and cable TV installers, and utilities employees.
- ▶ Providing services and care, especially in community settings, where there is extensive contact with the public.

INDUSTRIES AT HIGH RISK FOR WORKPLACE VIOLENCE

Certain industries are particularly vulnerable to workplace violence. Among the highest-risk industries are:

Retail and Restaurant

Retail establishments are vulnerable due to their easy, open, public access and constant personal interactions. According to OSHA, late-night retailers such as liquor stores, convenience stores, and gas stations have the highest risk.

Although retail workers comprise just 9% of the American workforce, they account for 13% of all workplace violence incidents and 27% of all workplace homicides. This makes retail the third-riskiest industry to work in after law enforcement and mental health in terms of the rate of workplace violence victimization.²

Restaurants have similar exposures. Fast food establishment employees are at high risk for all types of violence.

Retail and restaurant workplaces often have fixed management hierarchies that can foster behavior that instigates employee aggression. Peer harassment and a dictatorial, abusive, or bullying superior are contributing factors.

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...yet they account for **13%** of all workplace violence incidents...

...and **27%** of all workplace homicides.

Real Estate and Hospitality

Within the real estate and hospitality industries, about 40% of all workplace fatalities are attributable to workplace violence. Employees in shopping centers, hotels, and casinos face a higher risk of all types of workplace violence.

There are approximately 50,000 shopping centers in the United States, of which 1,200 are enclosed. These environments have a high number of violent incidents due to their open access and the numerous person-to-person interactions that take place each day.

40%
of workplace fatalities in the real estate industry stem from workplace violence.

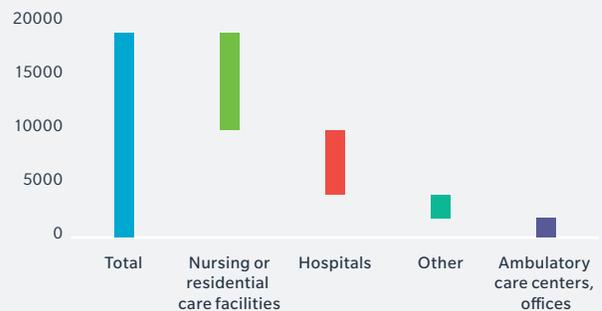
(Source: US Bureau of Labor Statistics)

Health Care

Health care settings can be particularly susceptible to violent episodes, because of easy and open accessibility to the public, high-stress working conditions, and the emotional toll that illness can have on patients, their families, and loved ones.

There were more than 19,000 incidents of workplace violence against health care and social assistance workers in 2012. Of those, nearly 6,000 occurred in hospitals, 9,000 in nursing or residential care settings, and 1,800 in ambulatory care centers and offices.³

EPISODES OF VIOLENCE OR OTHER INJURIES IN HEALTH CARE AND SOCIAL ASSISTANCE ENVIRONMENTS (2012)
Source: US Bureau of Labor Statistics



Education

Educational facilities were the targets of nearly one-third of all active shooter incidents in the US between 2000 and 2012.⁴ While active shooter incidents typically receive the most media coverage, they are not the only threat faced on school campuses. Rape, gang crime, attacks against race and orientation, and other student-on-student violence are commonplace on campuses across the nation. In 2012, nearly 750,000 students aged 12 to 18 were victims of nonfatal violence.⁵



Primary and secondary schools, colleges, and universities accounted for nearly one-third of all active shooter events in the US between 2000 and 2012.

(Source: ALERRT Center at Texas State University)

WHO COMMITS WORKPLACE VIOLENCE?

A misconception is that workplace violence is predominantly committed by disgruntled employees. In fact, only a fraction of incidents are committed by an individual with whom victims had a work relationship.

Through OSHA, the Centers for Disease Control (CDC), and the National Institute for Occupational Safety and Health (NIOSH), the US federal government has identified four types of workplace violence:

- ▶ Criminal intent/terrorism.
- ▶ Customer/client.
- ▶ Employee-on-employee.
- ▶ Personal relationship.

The majority of workplace violence is committed by non-employees. Most involve robberies. This is an especially frequent occurrence for high-risk jobs such as convenience store employees, taxi drivers, and fast food restaurant workers. From 2005 to 2009, about 47% of workplace violence was committed by strangers and were primarily robberies that took an unexpectedly violent turn.⁶

PORTRAIT OF A RETALIATORY EMPLOYEE

While it is not always possible to profile potential employee perpetrators, certain red flags or behavioral signs have been identified. In some cases, an employee's past behavior may presage later violence. An employee may have filed

grievances, had multiple arguments with co-workers, or become angry when disciplined. Furthermore, studies suggest that a history of substance abuse may be the strongest contributor to an employee's violent behavior, inside or outside the workplace.

Among the most common triggers of violent actions is personal rejection, such as a relationship breakup or termination of employment. There's no question that being terminated is a substantial blow to self-esteem. However, most people have sufficient internal coping mechanisms to deal with such a setback, and in time will rebound. Those with compromised coping skills and/or mental health issues, however, may be less capable of managing the stress of the situation.

According to experts, some employee-caused workplace violence incidents are committed by psychologically maladjusted workers who seek vengeance for a real or perceived injustice in the workplace. These employees may have underlying, long-term disorders such as major depression, schizophrenia, or other mental illnesses.



INDICATORS OF AN EMPLOYEE'S INCREASED LIKELIHOOD TO COMMIT WORKPLACE VIOLENCE

- Overt or implied threats against supervisors or co-workers.
- Sudden, persistent complaining about unfair treatment in the workplace.
- Blaming others for problems.
- Change in behavior or decline in work performance.
- Increase in absenteeism.
- Deterioration of personal hygiene.
- Refusal to accept criticism about work performance.
- Inability to manage feelings, such as swearing or slamming doors.

(Source: OSHA)

26%

The percentage of Americans aged 18 and over who suffer from a diagnosable mental disorder.

(Source: National Institute of Mental Health)

PREVENTING WORKPLACE VIOLENCE

A comprehensive program to pinpoint problems early and address them before an act of workplace violence occurs can help safeguard employees and customers, protect the brand, and mitigate business interruption. Such a program may be owned by the human resources, security, risk management, or other departments. Best practice dictates that the program owner works with other relevant departments to build and implement a cohesive plan covering risk assessments, incident prevention and mitigation programs, risk transfer, crisis response, and post-event business interruption and reputational management.

Prevention and preparation are key. With the proper tools and protocols, employers can minimize the risk of violence and the impact on their workforce.

PROTECTING AGAINST INSIDE THREATS

ZERO TOLERANCE

From 2005 to 2009, co-worker conflicts accounted for 16.3% of the workplace violence incidents involving men and 14.3% of the incidents involving women. Additionally, conflicts with a supervisor made up 1.2% of incidents involving males and 3.3% of those involving females.⁷

One component of a workplace violence prevention and mitigation program is to establish an organizational culture of zero tolerance toward violence,

including bullying or abusive behavior. Establish a policy that covers employees, patrons (including customers, patients, and students), contractors, and anyone else who comes into contact with the organization and its personnel.

A zero-tolerance policy is one component of a comprehensive workplace violence prevention and mitigation program that follows an integrated risk management approach. Violence prevention and mitigation efforts can operate on a standalone basis or be a component of an injury and illness prevention program. Such a policy should be included in an employee handbook or manual of standard operating procedures.

EDUCATING THE WORKFORCE

An effective prevention and mitigation program includes educating employees on the need to prepare for and how to reduce the risk of workplace violence. According to the American National Standard⁸, the content of training will vary depending on the participants. Typically, training should cover the following foundational topics:

- ▶ The basic facts about workplace violence, including a general overview of the behavioral or psychological aspects and risk factors that a particular workplace could face.
- ▶ The specific terms of the organization's workplace violence prevention policy and related policies, as well as employees'

rights and obligations under those policies, such as reporting responsibilities and venues.

- ▶ The identification of problem behavior and when to report it.
- ▶ Basic facts about domestic violence, including indicators and potential impact on workplace safety.
- ▶ The response to emergency situations, for example, active shooter or other extreme violence.

Executive and senior management should receive additional training on threat management and implementation of security measures (as discussed later in this document). Certain organizations should also consider industry-specific topics for employee training. For example, owners of small retail/convenience stores, gas stations, and fast food restaurants should provide information concerning how to manage a robbery and avoid physical injury.

ASSESSING THREATS

OSHA recommends that employers establish and assemble a standing threat-assessment team charged with managing workplace conflicts as they are identified. This team should consist of frontline supervisor(s), employee representatives, and/or executives/senior management from the human resources, legal, security, and risk management departments, as well as outside counsel, a mental health clinician, employee assistance program (EAP) executives, or other appropriate individuals.

A key responsibility for the threat assessment team is to monitor the workplace climate. Questions for the team to address include:

- ▶ What types of harassment are present, and perhaps facilitated?
- ▶ Are threats of violence prevalent and tolerated?
- ▶ Is the organization's employee assistance program effective?
- ▶ Can security personnel perform arrests? Do they require specific de-escalation and negotiation training?
- ▶ Are employees willing to ask for help?
- ▶ Are there avenues for employees to reach out for help?

Answering these and other questions can help to assess and address potential threats.

CAREFUL HIRING

One of the most important violence prevention strategies is to avoid hiring potentially violent employees in the first place. Organizations should have a well-designed hiring system and strategy that spells out the precise knowledge, skills, abilities, and attitudes required for each position.

Whatever the position, a candidate's social skills should be a prime criterion, as should their history. Hiring an individual for a single, exceptional talent while ignoring other personal traits or social deficits is known as the "halo effect" and is discouraged.

Past behavior may be an accurate predictor of future behavior.

Personal and professional references are not always useful indicators, as they may focus on the more positive aspects of a candidate's persona and qualifications. Rather, hiring decisions should be based on documented information, such as bios and work samples.

Thorough background checks on prospective employees are a critical step (while complying with employee privacy protection laws, such as the Fair Credit Reporting Act). Background checks can include evaluating workers' compensation records, employee disciplinary files, OSHA reports, security reports, and personnel files.

Employers should consult with legal counsel to ensure that their hiring practices are compliant with applicable laws.

ON-THE-JOB MONITORING

Once job candidates are hired, it is important to monitor their job performance and provide them with frequent, honest, and constructive feedback. Pinpointing subpar job performance sooner rather than later and removing problem employees before they form a deep investment in the job may prevent future problems.

Fairness in employee treatment should also be a significant consideration. Employees who behave violently often identify inequity in the workplace as the trigger. Employment policies should include procedures by which employees can air a grievance, have that grievance heeded, and feel assured that it will be addressed.

Similarly, a fair system of performance appraisals and discipline, with the opportunity for employees to provide feedback, is critical. Employees should also be made aware that any required disciplinary action will be behavior-based, and not a personal attack.

ANTI-BULLYING POLICY

In a May 2014 study conducted by VitalSmarts, 96% of respondents said they had experienced workplace bullying. Only 51% said their company had a policy for handling bullying complaints.

Because employee violence can be a product of persistent bullying or other emotional abuse, an organization's zero-tolerance policy should explicitly ban bullying and similar behavior — especially important as few state or federal laws prohibit bullying. A policy banning workplace bullying not only sets a standard for organizational behavior, but provides human resources with a tangible disciplinary tool.

Employee awareness training is critical to avoiding bullying. Whether as a standalone session or in the context of overall workplace violence training, human resources should inform all employees — including managers and supervisors — of the strategies required to deal with any verbal or physical confrontation. This training should also review the organization's zero-tolerance stance against bullies. If anger management courses are available, employees should be made aware of them.

To help uncover emerging bullying issues, organizations should provide victims and witnesses with

a confidential grievance channel to notify management or human resources of a problem. Regular and confidential employee surveys — such as 360-degree reviews — can reveal potential trouble spots with bullying managers, supervisors, or peers.

Of course, identifying bullying is counterproductive unless something is done about it. All allegations should be promptly investigated and, if found credible, addressed via discipline, coaching, or termination. Human resources can also intervene directly or as intermediaries between bullies and their targets.

MORE SENSITIVE DISMISSALS

Being fired is a psychologically and emotionally jarring experience. When a person's livelihood is threatened, it's natural that at least some level of fear and hopelessness may creep into their psyche. But for a particularly emotionally or mentally compromised employee, this can sometimes escalate into suicidal or homicidal thoughts.

Many organizations have placed increased emphasis on humanizing the dismissal process. When terminating an employee, a supervisor needs to be respectful of an individual's dignity and help them cope with the disappointment.

If a dismissed employee responds with harassment or verbal abuse, he should be treated courteously, but with minimal engagement. If the behavior persists or escalates into overt threats of retaliation or violence, then precautions should be taken, including:

- ▶ Notifying law enforcement and site security.
- ▶ Increasing site security measures.
- ▶ Following protocols for handling such individuals.
- ▶ Soliciting of advice from psychologists, mental health experts, or workplace violence consultants.

PROTECTING AGAINST OUTSIDE THREATS

Since the majority of workplace violence incidents emanate from outside the organization, employers should develop strategies to help protect their employees from outside threats.

SECURING THE WORKPLACE

A well-written and effectively implemented workplace security strategy combined with engineering controls, administrative controls, and training may reduce the incidence of outsider workplace violence in both private and public sector workplaces.

Securing the workplace begins with a security assessment. Bringing together a multidisciplinary team — including outside resources — can help to identify and counter possible threats.

Levels of security can be viewed as concentric circles:

Inner ring

The first line of defense is the most critical and controllable. Review current security policies



TIPS FOR A MORE SENSITIVE DISMISSAL

- Show the employee situation-based and performance-based facts to illustrate reason(s) for dismissal. This shows the employee that the firing is not a personal attack.
- Try to make the exit interview a problem-solving session that focuses on the individual's strengths and assets.
- Keep the focus on the job rather than personal deficits. This allows the employee to retain a degree of self-respect, dignity, and control.
- Consider referring the employee to community social services, social support, or educational and training opportunities to put the focus on positive outcomes.

and procedures for effectiveness in such areas as:

- ▶ **Access controls:** Evaluate the organization's controls for recognizing visitors, vendors, and clients. Guard against disgruntled, terminated employees by immediately recapturing keys and key cards, and deactivating access codes and cards.
- ▶ **Response:** Scenario testing (tabletop exercises) can help to evaluate potential responses under a variety of circumstances.



Middle ring

The second line of defense involves increased security measures such as employee identification badges, electronic keys, guards, controlled access points, cameras, barriers, and other population control tactics. This is also the level at which law enforcement may become a factor.



Outer ring

This is the third line of defense, consisting of neighbor alerts, extra perimeter lighting, alarm systems, video surveillance cameras, and fencing.

HIGH-RISK OCCUPATION STRATEGIES

In industries that are identified as at highest risk for workplace violence, OSHA encourages employers to develop additional strategies to protect their employees. For

example, in retail environments where workers handle cash, OSHA recommends installing drop safes to limit the amount of money on hand, and keeping a minimal amount in registers during evenings and late-night hours.

Organizations that require employees to work in the field (such as home health care professionals, social workers, and cable installers) should consider developing policies and procedures that cover site visits. Among the topics to address are proper conduct, the presence of others in the home during visits, and the worker's right to refuse to provide services in a hazardous or unsafe situation.

Field workers can be protected in other ways, including:

- ▶ Provide cell phones, hand-held alarms, or noise devices.
- ▶ Prepare a daily work plan.
- ▶ Inform a contact person of their location throughout the day.
- ▶ Keep vehicles properly maintained to avoid breakdowns.
- ▶ Avoid locations where there is a feeling of uneasiness or danger.
- ▶ Establish a buddy system or provide an escort, or even police assistance, in potentially dangerous situations or during work at night.



WHAT WORKERS CAN DO

Employees can play an active role in reducing workplace violence:

- Learn how to recognize, avoid, or diffuse potentially violent situations by attending awareness training programs.
- Alert supervisors to concerns about safety or security and report all incidents immediately.
- Avoid traveling alone into unfamiliar locations or situations whenever possible.
- Carry only minimal amounts of money and required identification into community settings.

DURING AN INCIDENT

Not all violence can be prevented. It is important that organizations develop predetermined actions to escalate an event. The Department of Labor (DOL) describes three such actions:

1. Early Warning Signs: Behavioral and Verbal Abuse

If an individual is intimidating, discourteous, uncooperative, or verbally abusive, but no weapon is visible, employees should respond by:

- ▶ Observing the behavior.
- ▶ Reporting concerns to their supervisor to seek assistance in assessing and responding to the situation.
- ▶ Documenting the behavior.

If the situation doesn't escalate further and the perpetrator is an employee, a supervisor should meet with the offending employee to identify what led to the event, discuss steps to correct the problem, and explain consequences if the behavior is not corrected.

2. Escalation of the Situation: Agitation and Threats

If no weapon is visible but the situation escalates and the individual becomes increasingly argumentative, refuses to obey policies, sabotages or steals company property, or verbally threatens employees, further actions may be necessary. In these instances, the DOL suggests that employees should respond by:

- ▶ Securing their own safety and the safety of others.

- ▶ Calling 911 and other appropriate emergency contacts, if warranted.
- ▶ Contacting their supervisor.
- ▶ Documenting the observed behavior.

Given the more serious nature in this scenario, the supervisor should initiate a conversation with the agitated individual. The supervisor should respond by:

- ▶ Calling for assistance, if needed.
- ▶ Avoiding an audience when handling the situation.
- ▶ Remaining composed and speaking slowly, softly, and calmly.
- ▶ Asking the individual to sit down to assess if they are able to follow directions.
- ▶ Asking questions about why they are upset, what can be done to help them regain control, and what they hope to gain from committing a violent act.

3. Further Escalation: Physicality and/or a Weapon

The highest level of escalation might involve an individual who has a weapon or who displays intense anger or suicidal thoughts, provokes physical confrontations, or destroys property. Any employee who is the potential victim of, or who witnesses, such behavior should respond by:

- ▶ Fleeing if they believe their safety is at risk, moving, if possible, to a more public place where assistance may be provided.



DURING AN ACTIVE SHOOTER INCIDENT

By the time law enforcement arrives on scene to an active shooter incident, many times it is too late: 60% of such incidents end before law enforcement arrives, according to the FBI. In light of this, employees should be educated on how to respond to a workplace violence incident as it unfolds.

Law enforcement experts on multiple levels now advise those who are caught in an active shooter incident or other violent situation to recall three response priorities:

- **Run:** If employees are able, their first reaction should be to run to a safe location outside the building and away from the perpetrator. They should try to escort as many of their colleagues as possible. Then call 911.
- **Hide:** If exiting the building is impossible, employees should hide — seeking shelter in an enclosed room and barricading the door. Keep quiet and silence mobile phones.
- **Fight:** As a last resort, employees should be prepared to try to take down the perpetrator to save lives, using anything available — phones, laptops, fire extinguishers, trash cans, chairs — as self-defense weapons.

As soon as possible, employees should call 911 and request or provide prompt medical evaluation and treatment to affected individuals. The emphasis is on the physical and emotional wellbeing of the people involved.

- ▶ Securing their personal safety first and then that of those around them.
- ▶ Calling 911 and other appropriate emergency contacts.
- ▶ Cooperating with law enforcement when they arrive. Witnesses should be prepared to:

- ▷ Provide a detailed description of the violent individual.
- ▷ Describe what behavior was observed and the location of the incident.
- ▷ Show any documentation of the event.

AFTER AN INCIDENT

Some of the most important work for an organization begins after an incident, in the response to the victims of violence. Research shows that after a violent incident, people may respond with a combination of grief, surprise, anger, shock, or a sense of responsibility for being unable to prevent or stop the attack. These feelings are normal and may subside with time. For up to 25% of those impacted, however, there is the potential for long-term work and psychological problems.

FOCUS ON THE FEW

It is important to provide support for all employees and to focus on quickly identifying and offering assistance to those at most risk for long-term problems. The Federal Emergency Management Agency (FEMA), the National Institute for Mental Health, and the International Society for Traumatic Stress Studies suggest the provision of psychological first aid to assess those in need of more assistance.

Employees at highest risk for trauma-related and other psychological problems include those who:

- ▶ Were present during the incident and may have feared for their own lives or witnessed colleagues' deaths or injuries.
- ▶ Have suffered a prior trauma in their lives.
- ▶ Are routinely exposed to life-or-death situations in their jobs.
- ▶ Have a history of anxiety or depression.
- ▶ Lack a support structure outside of work, such as family and friends with whom they can discuss the event.

Employers should identify these at-risk employees and offer specialized mental health services to help them recover. An organization's workplace violence prevention program should include a list of resources and procedures to assist employees during the post-incident phase.



FOLLOWING A WORKPLACE VIOLENCE EVENT

- Discuss the circumstances of the incident with employees.
- Encourage employees to share information about ways to avoid similar situations in the future.
- Investigate all violent incidents and threats, monitor trends in violent incidents by type or circumstance, and institute corrective actions.
- Discuss changes in the workplace violence prevention program during regular employee meetings.

INSURANCE CONSIDERATIONS

Depending on the nature of a workplace violence incident, several forms of insurance coverage may respond. Following is a summary of some coverages that may apply in a workplace violence situation.

WORKERS' COMPENSATION

Typically, workers' compensation insurance will apply if an employee is injured. In some states, employees who are not physically injured but who witness an event may also be eligible for workers' compensation benefits for post-traumatic stress disorder and other psychological effects.

Under "exclusive remedy" provisions included in most state workers' compensation statutes, employees that collect workers' compensation benefits are prevented from making tort liability claims against their employers. However, there are some exceptions — for example, reckless behavior and intentional acts by employers could lead to additional civil litigation. Targeted, personal attacks on employees with motives unrelated to the workplace — for example, an attack in the workplace by an employee's spouse — could also negate workers' compensation.

COMMERCIAL GENERAL LIABILITY (CGL)

If a customer or other third party is injured or killed, CGL policies may respond, providing coverage for medical care, bodily injury, property damage, and defense of lawsuits alleging negligence. There are some exceptions where a CGL policy may not apply, depending on the facts of an event and the policy's terms and conditions. In some industries, other forms of coverage may also respond if customers or others are injured — for example, liquor liability insurance may protect hospitality businesses if an intoxicated patron injures another customer, and many patient-related claims in health care are covered under professional liability.

PROPERTY

Physical damage resulting from a violent incident is likely to be covered under property insurance policies. Business interruption (BI) insurance coverage may also apply if an organization is forced to close following an incident. BI coverage is based on the time it takes to regain access to a location, repair physical damage, and complete necessary cleanup. Voluntary closures by a business or closures forced by others — for example,

an office building owner forcing a tenant to remain closed — may not be covered, depending on the policy's specific language.

CRISIS RESPONSE INSURANCE

Crisis response insurance can help mitigate the costs associated with responding to and recovering from a crisis. Additional expenses covered under such policies could include those related to grief counseling for affected employees, media relations, transportation of victims' families and funeral expenses. Many umbrella and excess casualty insurance policies contain crisis response endorsements that provide coverage for these additional costs. Other forms of insurance, such as directors and officers liability, may contain similar endorsements. Some insurers have developed specialty active assailant or active shooter coverage. Typically, these policies cover property damage and business interruption following an active shooter event, and some crisis management expenses. At least one insurer offers coverage related to litigation after such events.

The above list is not all-encompassing, and any discussions of applicable insurance should be discussed with your insurance and legal advisors.

CONCLUSION

Workplace violence incidents are a growing risk for all organizations. Although the threat of violence cannot be eliminated, effective risk management – including employee awareness training, crisis management planning, and insurance solutions – can position your organization to better protect employees, patrons, and others during an event and return to normal operations as soon as possible.

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About Marsh Risk Consulting

Marsh Risk Consulting (MRC), a unit of Marsh LLC, is a global consulting organization comprised of more than 800 specialists in over 40 countries dedicated to providing clients in all industries and across all geographies with strategic advice and innovative solutions across a comprehensive range of insurable and non-insurable risks. MRC helps clients understand the likelihood and impact of diverse risks on their operational performance, reduce the cost of risk and improve economic outcomes, monitor and manage risk effectively, and achieve their business objectives. MRC provides a wide range of consulting and advisory services in areas such as quantitative analysis, data optimization, claim management and closure, workforce strategies, forensic accounting, construction governance, complex liability, property risk engineering, strategic risk analysis, enterprise risk, reputational risk, crisis management, and business resiliency. Working in conjunction with experts in Marsh and across Marsh & McLennan Companies, we provide clients with solutions that address their ever-changing risk and business profiles and needs.

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