

Issue: Workplace Violence

Workplace Violence

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Pub. Date: June 4, 2018

DOI: 10.1177/237455680417.n1

Source URL: <http://businessresearcher.sagepub.com/sbr-1946-106760-2889987/20180604/workplace-violence>

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## Will prevention programs contain it?

### Executive Summary

At least 2 million people are victims of violence in the workplace each year in the United States, according to the federal government. All businesses are potentially at risk, and the total cost can run into the billions of dollars. Workplace violence can be committed by fellow employees, clients or customers, estranged partners – or random people. While workplace killings attract the most attention, they are relatively unusual; the most common form of workplace violence is assault. Violence at work also encompasses threats, bullying, stalking and harassment. Occupations especially at risk include law enforcement and health care workers. Businesses need to consider workplace violence and threat management programs to mitigate potential attacks or liability. They also must be aware of legal issues, such as how to balance an individual's gun rights with concerns about providing a safe workplace.

Key takeaways include:

- While workplace homicides rose almost 20 percent in 2017, this type of violence has declined significantly over the past two decades.
- Experts say prevention, threat management and training programs are proven ways to reduce workplace violence.
- Recent school shootings have prompted calls to arm teachers, but liability and insurance issues pose obstacles.
- [Click here to listen](#) to an interview with author Lorna Collier or [click here for the transcript](#).

### Full Report



President Trump's call to arm teachers following a school shooting in Florida generated strong controversy. (Robert Nickelsberg/Getty Images)

The blows came quickly, fiercely and without warning. Allysha Shin, a nurse in the neuro-intensive care unit at [Keck Medicine of USC](#), had

been caring for a patient with such an alarming history of violence against caregivers that the petite young woman was tied to the bed at her feet and wrists. Yet somehow, in the middle of the night in December 2016, with just Shin in the room, the patient tore free from her restraints and came at Shin, kicking her hard several times in the chest and stomach and nearly landing a solid punch to her head.

“She could have knocked me out... She could have killed me,” says Shin, who stands 5-2 and weighs 120 pounds. The patient’s room was at the far end of the unit, out of sight of the nurses’ station. Shin cried for help, but thinks it was the patient’s loud yells and curses that got the attention of the other staff. It took four other nurses, an aide and three or four additional staff people to tie the patient to a chair.

When people think of workplace violence, images of mass shootings pop to mind. Yet, these incidents – though on the rise, and certainly horrifying and tragic – are relatively rare. The most common type of workplace violence is a simple assault, like the one Shin experienced, which accounts for about 80 percent of non-fatal on-the-job incidents.<sup>1</sup> There are many other behaviors that experts consider to be workplace violence, including non-physical attacks. The U.S. Occupational Safety and Health Administration (OSHA) defines workplace violence as “any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site,” which can include threats and verbal abuse.<sup>2</sup>

Whatever form it takes, businesses need to address workplace violence prevention in a comprehensive way and learn which measures work best, according to experts in the field. At the same time, they must walk a fine and sometimes tricky line when it comes to protecting individual employees’ rights and keeping all workers safe without incurring legal liability. The challenge can be especially daunting for smaller businesses, which have fewer resources to commit to the problem.

## Workplace Violence by the Numbers

Workplace violence can be divided into four types: by a stranger to the employer or employees, such as in a robbery; by a customer or client; by an employee or former employee; and by someone with a personal relationship with an employee, such as an estranged partner.<sup>3</sup>

Costs can run into the billions of dollars, experts say, taking into account lost productivity, insurance costs, loss of public image and jury awards. And of course there are emotional and psychological costs, particularly if an employee is severely assaulted or killed.<sup>4</sup>

Homicides in the workplace rose to 500 in 2016, the latest year for which such data is available. This represents an increase of nearly 20 percent from the 417 homicides that occurred in 2015, and the highest number since 2010.<sup>5</sup> About 70 percent were shootings associated with robberies.

***“She could have  
knocked me out. ... She  
could have killed me.”***

Active shooter incidents of all kinds – not just in the workplace – have gone up. There were 30 last year, the highest number since at least 2000, the first year for which there is FBI data on such incidents. That was up from 20 in 2016.<sup>6</sup>

Still, active shooters in the workplace remain relatively unusual, says former FBI agent Eugene Rugala, president of Eugene A. Rugala and Associates LLC, a threat management consultancy based in Beaufort, S. C. “They get so much media attention that I think if you ask the average citizen, most people think something like this is happening every day, when in fact it’s not,” Rugala says.

Violent crime in general also has dropped significantly since the early 1990s, along with workplace killings. Despite the 2015-16 increase in workplace homicides, such incidents have declined 54 percent from the 1,080 that took

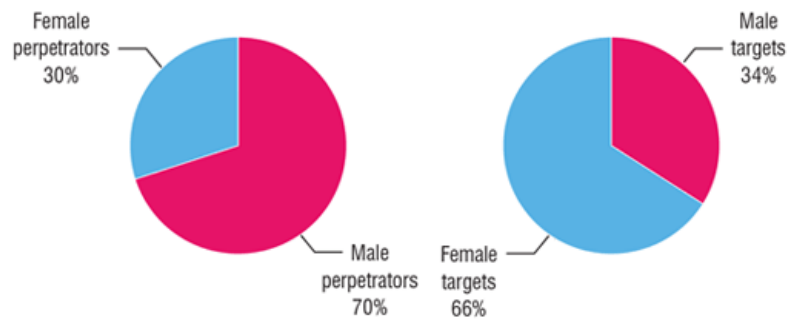
place in 1994.<sup>7</sup> Workplace violence experts note that workplace crime has dropped even more sharply than the overall crime rate, which they attribute in part to prevention programs.

“I believe training has helped and that the threat management programs have helped,” says Rugala. Changing a workplace’s environment, for example – such as adding better lighting and bulletproof glass, and limiting cash on hand – can significantly reduce violence linked to robberies, he says. In fact, a 2008 study led by the University of North Carolina found that when small retail establishments such as bars and convenience stores implemented these types of environmental measures, their overall incidence of violence went down 10 percent compared to a control group. Those businesses that complied the most enjoyed a 26 percent cut in violent crime and 41 percent fewer robberies, according to the study.<sup>8</sup>

OSHA estimates about 2 million people in the United States experience some form of workplace violence annually, and says that “many more” such instances go unreported.<sup>9</sup> Governmental agencies do not track threats and stalking as they do homicides and assaults, even though 87 percent of workplace violence victims between 2005 and 2009 were not physically injured.<sup>10</sup>

## Most Bullies Male, Most Victims Female

## Workplace bullying perpetrators and targets by gender



Source: Gary Namie, "2017 Workplace Bullying Institute U.S. Workplace Bullying Survey," p. 5, Workplace Bullying Institute, 2017, <https://tinyurl.com/yodhw7pt>

The majority of workplace bullies are male, while two-thirds of all victims are female, regardless of the perpetrator's gender, according to a 2017 survey by the Workplace Bullying Institute, a training and advocacy group.

Bullying, both in-person and in cyberspace, is one type of workplace violence. In 2017, almost 10 percent of U.S. adults reported having been bullied at work in the past year, up from 7 percent in 2014, according to a survey by the Workplace Bullying Institute, a training and advocacy group based in Washington state. In both years, about 20 percent of those surveyed said they had been a bullied at some point in their career.<sup>11</sup>

A survey by University of Iowa researchers found that threats were the top type of workplace violence cited by respondents (55 percent), while abnormal behavior – defined as behavior that causes discomfort to others or deviates from typical patterns or actions – was listed by 48 percent and bullying by 33 percent.<sup>12</sup>

Perhaps unsurprisingly, law enforcement personnel experienced the highest average annual rate for workplace violence between 2005 and 2009, at 47.7 incidents per 1,000 workers, followed by mental health workers (20.5 per 1,000), transportation workers (12.2 per 1,000) and retail sales employees (7.7 per 1,000).<sup>13</sup>

## Health Care Workers Frequent Targets

Health care workers are especially vulnerable to workplace violence. Nearly 75 percent of workplace assaults take place in health care settings, according to a 2016 New England Journal of Medicine study. The study found that 100 percent of emergency room nurses reported verbal assault and 82 percent reported physical assault during the past year. Among ER doctors, 75 percent said they'd been targets of verbal threats; 21 percent reported physical assaults; 5 percent reported confrontations outside the workplace and 2 percent reported stalking in the previous year.<sup>14</sup>

At least 58 hospital workers died as a result of workplace violence from 2011 to 2016.<sup>15</sup> Violence is the third leading cause of death for health care workers.<sup>16</sup>

Why are health care workers so often victims?

Part of the problem is that some patients in the United States lack access to mental health, preventive and other health care services, says Bonnie Castillo, a nurse who heads National Nurses United, a leading nurses' union. She says this can cause patients to feel "pain and desperation." Add to that the stress on patients of being hospitalized, sick, in pain and waiting for treatment, she says, and "it's kind of a powder keg."

Castillo says she's been bitten, spat on and hit by patients. "Most of us nurses have been," she says. "There's a cultural belief or assumption that this is just part of the job."

Castillo's union supported a recently enacted California standard put in place by the state's version of OSHA requiring that all hospitals in the state have workplace violence prevention programs and report all incidents of violence, which often go unreported.<sup>17</sup>

The California measure is a model for federal legislation, the Health Care Workplace Violence Prevention Act, which was introduced in

March 2018 by Rep. Ro Khanna, D-Calif.<sup>18</sup> The bill has at least a dozen Democratic co-sponsors, but no Republicans, and is likely to face opposition from the health care industry, according to Castillo. "It's a tough battle, but we're up for this fight," she says.

Health care violence is not only a U.S. issue. A recent Australian study by researchers at Murdoch University in Perth found that "aggression and violence is a significant social problem in many countries and an increasing problem in health care settings in which nurses are particularly vulnerable."<sup>19</sup> Efforts also are underway in Canada, which already has mandatory workplace violence programs, to strengthen protections for health workers.<sup>20</sup>

## Legal Challenges Employers Face

Businesses face a variety of legal challenges, with managers often having to walk a tightrope between balancing competing rights and constituencies, protecting the individual rights of one employee over the collective rights of the entire staff. Experts say businesspeople should consult an attorney familiar with laws in their states, which vary. Here are some common areas of concern:

- Compliance with federal and state law.

U.S. employers are subject to federal OSHA regulations, but OSHA does not have a specific workplace violence standard. It does have a "general duty clause," enacted in 1970, which requires employers to provide employees with a workplace "free from recognized hazards that are causing or are likely to cause death or serious harm."<sup>21</sup> The clause says the U.S. Department of Labor can cite employers who fail to keep a workplace safe if there was a "feasible and economically viable way to correct the hazard."<sup>22</sup>

Depending on where their business is located, employers also may need to comply with state regulations covering workplace violence prevention. Florida, for instance, requires convenience stores to take safety steps such as installing security cameras, while Washington state requires health care providers to have a prevention plan in place.<sup>23</sup>

- Negligence.

Employers can be liable for damages for negligence in hiring, supervision, retention or training, says employment attorney Glen Kraemer, a founding partner at [Hirschfeld Kraemer](#), a California-based law firm specializing in labor and employment issues.

Workplace violence prevention teams can help prevent negligence by dealing with "everything from an A to Z perspective, basically the life cycle of employment," Kraemer says. They can look at applications, interviews, testing and background checks. And they can intervene with employees who exhibit signs of distress and train workers to recognize and report potential problems, he says.

- Americans with Disabilities Act (ADA) compliance.

People who suffer from mental illness are legally protected under the ADA, which can affect how employers handle troubled employees, Kraemer says. An employer "is entitled to take action but it's limited to disability-induced threats and violence," not to other types of misconduct that may arise in the workplace that are linked to the disability, he says.

- Privacy and social media.

Employers usually cannot require employees to turn over social media passwords, says Kraemer. But they can review their public social media postings as well as anything posted on company-owned equipment, such as computers or employer-supplied smartphones.

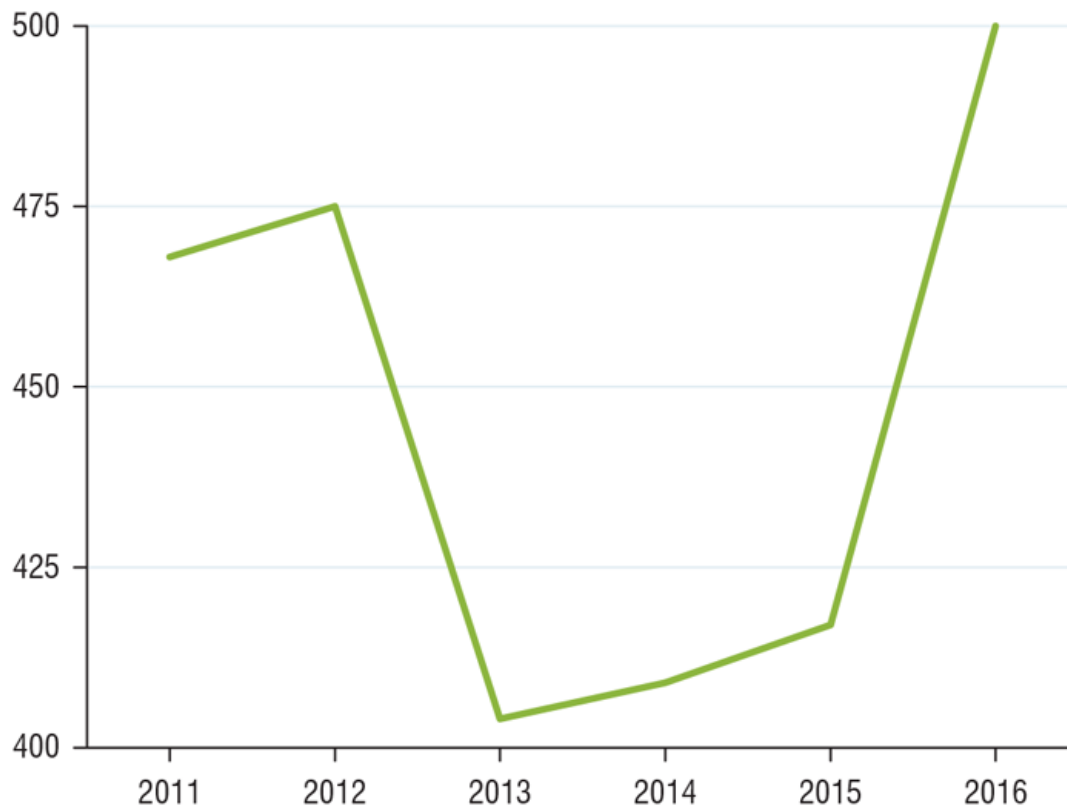
- Domestic violence.

In some states, employers can file temporary restraining orders on behalf of employees who are victims of stalkers or abusers, even if those employees do not want to take such action themselves, says Kraemer.

## Workplace Murders Surged in 2016

### Total U.S. Workplace Homicides, 2011-16





Note: To see 2016 data in source material, click on link near bottom for data table for workplace homicides

“Workplace homicides,” Bureau of Labor Statistics, U.S. Department of Labor, last modified Aug. 31, 2017, <https://tinyurl.com/y8617dvd>

Workplace murders spiked in 2016, rising almost 20 percent from the previous year, after falling earlier in the decade.

## Guns in the Workplace

Should employees be able to carry their guns to work? Laws in some states, such as Georgia, Texas and Tennessee, allow workers to carry weapons openly or in concealment as far as their employer’s parking lot, where guns must be kept locked in the trunks or gloveboxes of their cars.<sup>24</sup>

Employers “have to understand what the rights are of a private employer in a state where you’re allowed to either have a concealed carry, open carry or a gun in the trunk of your car,” says Kraemer.

Recently, Brevard County, Fla., approved allowing all county employees to carry guns on the job if they’re properly licensed, with some limitations. They are not allowed to bring firearms into county commissioner meetings, for example.<sup>25</sup>

One factor that may limit guns in the workplace: liability insurance. Insurers may see the presence of weapons as a potential danger, violating the general duty clause to provide a safe workplace. They may then either refuse to underwrite the business or raise its rates to prohibitive levels, said Kim Auchstetter, executive vice president for retail property/casualty brokerage operations at [Arthur J. Gallagher](#), an Illinois-based insurance firm.

“From an insurance and risk management perspective, one of the biggest issues with arming [managers] is the increased potential liability you can face as an organization,” said Auchstetter. “This exposure can also limit – or potentially completely eliminate – the number of admitted insurance carriers that will agree to underwrite a company if they begin arming their managers with firearms.”<sup>26</sup>

Another possibility: if employees who are allowed to carry guns on the job for defense fail to stop a workplace shooting, someone injured in the incident could argue that the employer is liable because, by permitting firearms, it had “assumed a duty to protect” its workers, wrote David Klass and Travis Vance, attorneys for the Atlanta-based employment law firm of [Fisher Phillips](#).<sup>27</sup>

A similar concern has affected school districts that move to arm teachers. In the wake of the 2012 Sandy Hook Elementary School

shooting in Newtown, Conn., in which 20 young children and six adults were killed, some school districts voted to allow teachers to carry guns if they had firearms training.<sup>28</sup> In many cases, insurers threatened to cancel coverage for those districts if the move went forward, and some districts dropped their plans.<sup>29</sup>

For example, a plan to arm teachers in three Indiana school districts was scrapped after the districts' insurer said it would not provide worker's compensation insurance if staff carried guns.<sup>30</sup> Similarly, Kansas in 2013 passed a law allowing school employees to be armed. However, [EMC Insurance Companies](#), a major insurer in the state, informed districts that it would not insure schools that let employees carry concealed handguns because allowing such weapons "on school premises pose a heightened liability risk." Plans to arm teachers fizzled.<sup>31</sup>

Kansas is revisiting the issue following the Marjory Stoneman Douglas High School shooting in Parkland, Fla., in February 2018, in which 14 students and three school staffers were killed. The murders prompted President Trump to call for arming teachers.<sup>32</sup> The Kansas legislature is debating a measure that would not only mandate districts to allow teachers to carry guns, but also prevent insurers from dropping coverage or raising premiums.<sup>33</sup>

### Watch video with criminal justice professor Cathy Marcum on cyberbullying:



## Steps Employers Can Take

Not all businesses have a workplace violence prevention program; in fact, a 2005 U.S. Bureau of Labor Statistics survey of more than 7 million businesses found that 70 percent did not have such a program.<sup>34</sup>

"Believe it or not, a lot of organizations still do not have a program in place," says Rugala. This is most likely with small and medium-sized businesses. "Some believe that [workplace violence] can't happen to them, that if you just ignore the problem that it will go away," he says.

However, things may be changing. A little more than half (52 percent) of employers have updated or implemented "zero tolerance" workplace violence prevention policies in reaction to mass shootings, according to a 2016 survey by the San Francisco labor law firm [Littler Mendelson](#). The survey of 844 human resource professionals, lawyers and others at various industries found that 38 percent had trained employees in how to recognize and respond to potentially violent situations, with 28 percent training specifically in how to respond to an active shooter. About 11 percent of those surveyed said they had not taken any action because they didn't consider violence "an issue at their workplace."<sup>35</sup>

Still, even businesses that have a violence prevention plan may not run it effectively, a 2017 survey by University of Iowa researchers found. The researchers, working in conjunction with the Association of Threat Assessment Professionals (ATAP), surveyed 77 ATAP member companies and found that even among this motivated group, many had significant gaps in their preparation. While 90 percent had workplace violence policies, only 41 percent trained all employees, just 48 percent trained the frontline manager and fewer than half held annual training sessions.<sup>36</sup>

It is possible that some businesses simply go through the motions of having a workplace violence prevention program to satisfy legal or liability concerns, Rugala says. But he says that will not help them in the long run. If a violent incident occurs and the company is sued, a lawyer will ask not only if the company had a plan, but how rigorously it implemented it.

Russell Palarea, president of the 1,900-member ATAP and a threat management consultant, says another mistake that employers sometimes make is to focus their attention exclusively on internal threats – on what their employees are doing. But companies "cannot ignore external threats," he says, and need to consider non-employees who may pose a threat to the company.

This might mean stepping up monitoring of company mentions on social media sites, which can be done via automated services. In general, businesses today are more likely to use digital investigative methods, says Palarea. Apps that let people report incidents or troubling behavior anonymously also are becoming more common, both in the workplace and in schools.

"There's a current focus on reporting technology," says Palarea. "It's coming up through K-12," specifically as a response to the Parkland shooting. "The technology has existed for a couple of years, but more companies are focusing now on creating newer technologies to enhance reporting and data information for safety purposes," he says.

Employers also are finding that having a good workplace violence prevention program can boost productivity by creating a positive, supportive work environment, says Rugala. Employees have less fear of violence occurring, so they are less preoccupied with this or other workplace conflicts, he says.



Russell Palarea

Effective programs promote communication, encourage reporting of possible problems and ensure that workers know who should receive such reports, Rugala says. The result: Workers feel valued and know that they will be listened to, “and that if they do make a report, some action will be taken,” he says.

“Should something happen, the organization is prepared to deal with it ... and will go the extra mile to make sure that employees are taken care of,” Rugala says. “I think you’re going to see more and more organizations step up to the plate to do this type of thing.”

## About the Author

Lorna Collier is a business and health writer whose reporting has appeared in the Chicago Tribune, AARP Bulletin, U.S. News & World Report, CNN.com, Workforce Management, Crain’s Chicago Business, Monitor on Psychology and many other publications. She can be reached on Twitter at @lornacollier or via

## Chronology

- 1970-1999** **Workplace shootings prompt government action.**
- 1970** The Occupational Safety and Health Act is passed, requiring employers to provide a safe work environment.
- 1986** U.S. postal worker Patrick Henry Sherrill shoots 20 co-workers, killing 14, at the Edmond, Okla., post office, giving rise to the term “going postal.”
- 1991** An unemployed customer kills 23 people and wounds at least 20 others at Luby’s Cafeteria in Killeen, Texas.
- 1993** The National Institute for Occupational Safety and Health (NIOSH) issues an alert urging immediate action to prevent workplace violence, a move prompted by 7,603 workplace homicides – an average of almost 15 deaths per week – in the previous decade.
- 1996** The Occupational Safety and Health Administration publishes nonbinding guidance to employers at retail establishments and health care or social service facilities about how to prevent workplace violence, reflecting the higher risk experienced by these occupations.
- 1999** A shooting at Columbine High School in Littleton, Colo., leaves 15 dead, including one teacher, and 24 wounded.
- 2000 – Present** **Increased incidents lead to legislative proposals.**
- 2004** The FBI issues guidelines on managing workplace violence.
- 2007** A senior at Virginia Tech University opens fire, killing 27 students and five faculty members and wounding 17.
- 2009** Nidal Hasan, a U.S. Army psychologist, shoots 42 people at the Fort Hood Army base near Killeen, Texas, killing 13.
- 2012** A former student at Sandy Hook Elementary School in Newtown, Conn., fatally shoots 20 young children and six teachers and injures two other teachers.
- 2015** An employee of the San Bernardino, Calif., public health department and his wife kill 14 of his co-workers and injure 22 at an employee Christmas party.
- 2016** Crime statistics for the year show workplace homicides have risen to 500, the highest since 2010.
- 2018** A former student at Marjory Stoneman Douglas High School in Parkland, Fla., shoots and kills 14 students and three teachers, leading to calls from President Trump and others to arm teachers (February)... Bill introduced in Congress mandates workplace violence programs to protect the nation’s health care workers (March)... FBI announces that 30 active-shooter incidents occurred in 2017, the deadliest year yet (April).

## Resources for Further Study



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### Books

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### Articles

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## The Next Step

### Health Care Safety

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## Organizations

### Association of Threat Assessment Professionals

700 R St., Suite 200, Sacramento, CA 95811  
1-916-231-2146

[www.atapworldwide.org](http://www.atapworldwide.org)

Organization that provides seminars, training and networking for threat assessment professionals.

### Corporate Alliance to End Partner Violence

2416 E. Washington St., Suite E, Bloomington, IL 61704  
1-309-664-0667

[www.caepv.org](http://www.caepv.org)

Nonprofit organization, founded by private businesses, that focuses on stopping partner violence in the workplace.

### International Crime Prevention Through Environmental Design Association

300 Meredith Road, N.E., #711, Calgary, Alberta, Canada T2E 7A8  
1-403-775-7400

[www.cpted.net](http://www.cpted.net)

Organization that uses environmental design changes to help cut violence and crime in communities, workplaces and other places worldwide.

### National Institute for Occupational Safety & Health

1600 Clifton Road, Atlanta, GA 30329-4027  
1-800-CDC-INFO (800-232-4636)

[www.cdc.gov/niosh/index.htm](http://www.cdc.gov/niosh/index.htm)

@NIOSH

A division of the U.S. Centers for Disease Control and Prevention that researches a variety of workplace topics, including workplace violence.

### National Threat Assessment Center

245 Murray Lane, S.W., Washington, DC 20223  
1-202-406-5708

[www.secretservice.gov/protection/ntac/](http://www.secretservice.gov/protection/ntac/)

An agency within the Secret Service that gathers research and provides training in threat assessment.

### Occupational Safety and Health Administration

200 Constitution Ave., N.W., Washington, DC 20210  
1-800-321-6742

[www.osha.gov](http://www.osha.gov)

@OSHA\_DOL

Federal safety agency whose mission includes workplace violence.

### Society for Human Resource Management

1800 Duke St., Alexandria, VA 22314  
1-800-283-SHRM (7476)

<http://www.shrm.org>

@SHRM

An organization of human resource professionals that features frequent workplace violence articles and resources.

### **Workplace Bullying Institute**

PO Box 578, Clarkston, WA 99403

<http://www.workplacebullying.org>

@GaryNamie

Run by psychologists Ruth Namie and Gary Namie, the institute is dedicated to the eradication of workplace bullying.

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