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Workplace Violence

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By
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Workplace Violence

Violence is all around us; it is portrayed in multiple forms everyday through the news, television shows, movies, and the internet. It seems to have become a commonplace throughout everyday interactions. It is such a factor to the average person that taking personal precautions to avoid, or escape violence is taught daily within households, schools, and workplaces.

With violence being such an influence in our everyday lives, it’s no surprise that we have seen it spill over into our workplace, effecting millions who need the security of safely and efficiently do their jobs successfully.

“Every year, 2 million American workers report having been victims of workplace violence. In 2014, 409 people were fatally injured in work-related attacks, according to the U.S. Bureau of Labor Statistics. That’s about 16% of the 4,821 workplace deaths that year.” National Safety Council (NSC 2018).

These numbers are alarming, therefore; companies, employers, employees, and government officials are making the necessary changes or adjustments in order to reduce this number as time moves forward.

“Injury Facts lists data for workplace violence-related deaths, and injuries resulting in days off work, across various occupations. Here are some statistics for 2013:

- Government: 37,110 injuries: 128 Deaths
• Education and Health services: 22,590 Injuries, 35 Deaths

• Professional and Business Services: 4,460 Injuries, 65 Deaths

• Retail: 2,680 Injuries: 127 Deaths

• Leisure and Hospitality: 2,380 Injuries, 107 Deaths

• Financial Activities: 1,100 Injuries, 37 Deaths

• Transportation and Warehousing: 840 Injuries, 71 Deaths

• Construction: 680 Injuries, 36 Deaths


According to The United States Department of Labor Occupational Safety and Health Administration;

“Workplace Violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors.” Department of Labor (DOL 2018).

Harassment

As we can see there are many different types of workplace violence. Harassment is among the most frequently experienced displays of workplace violence. According to the U.S Equal Employment Opportunity Commission harassment is defined as:
“Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) Enduring the offensive conduct becomes a condition of continued employment, or 2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.” (United States Equal Employment Opportunity Commission 2017).

Harassment at its most basic form can be broken into two categories of ‘quid pro quo harassment’, in other words a type power position taking advantage, and the second is most commonly referred to as a hostile work environment harassment.

According to the U.S department of labor quid pro quo harassment is defined as “generally results in a tangible employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors, but it can also result from unwelcome conduct that is of a religious nature. This kind of harassment is generally committed by someone who can effectively make or recommend formal employment decisions (such as termination, demotion, or denial of promotion) that will affect the victim.” (United States Department of Labor 2011). This type of behavior has been a terrifying statistic that women in the workplace have been dealing with since gaining acceptance into the workplace.”
Examples of quid pro quo harassment:

- A manager fires or punishes a subordinate for refusing to be sexual cooperative
- A manager promotes or rewards a subordinate for being sexually cooperative

According to the U.S Department of Labor “a hostile environment can result from the unwelcome conduct of supervisors, co-workers, customers, contractors, or anyone else with whom the victim interacts on the job, and the unwelcome conduct renders the workplace atmosphere intimidating, hostile, or offensive.

Examples of behaviors that may contribute to an unlawful hostile environment include:

- Discussing sexual activities;
- Telling off-color jokes concerning race, sex, disability, or other protected bases;
- Unnecessary touching;
- Commenting on physical attributes;
- Displaying sexually suggestive or racially insensitive pictures;
- Using demeaning or inappropriate terms or epithets;
- Using indecent gestures;
- Using crude language;
- Sabotaging the victim's work;
- Engaging in hostile physical conduct.” (United States Department of Labor 2011).
Harassment is the very complex and common type of violence employees face within the workplace. Harassment can be broken down further into the eleven categories, which are as follows:

1. Discriminatory Harassment: All harassment is discriminatory in some form, but this type of harassment is defined by its intentions not how it is carried out. In these types of cases the perpetrator is harassing the victim because he/she is a member of a protected class.

   These classes include:

   “Racial Harassment

   A victim may experience racial harassment because of their race, skin color, ancestry, origin country or citizenship.

   Even perceived attributes of a certain ethnicity (curly hair, accents, customs, beliefs or clothing) may be the cause. Racial harassment often looks like:

   • Racial slurs
   • Racial insults
   • Racial jokes
   • Degrading comments
   • Disgust
   • Intolerance of differences

Gender Harassment
Gender-based harassment is discriminatory behavior towards a person based on their gender.

Negative gender stereotypes about how men and women should or do act are often the center of the harassment. Some examples are:

- A male nurse faces harassment for having what is perceived as a woman’s job
- A female banker hits the glass ceiling and taunted for not being “leader material”
- A male colleague displays material (comics, posters) that’s degrading to women

Religious Harassment

Religious harassment is often interconnected with racial harassment but narrows in specifically on the victim’s religious beliefs.

An individual with a religion that differs from the “norm” of the company may face workplace harassment or intolerance in a variety of ways:

- Intolerance toward religious holidays
- Intolerance toward religious traditions
- Intolerance toward religious customs
- Cruel religious jokes
- Degrading stereotypical comments
- Pressures to convert religions

Disability-Based Harassment
Disability-based harassment is a type of workplace harassment directed towards individuals who either:

- Suffer from a disability themselves
- Are acquainted with a disabled person or people
- Use disability services (sick leave or workers’ comp)

A person with a disability may experience harassment in the form of;

- Harmful teasing
- Patronizing comments
- Refusals to reasonably accommodate or isolation

Sexual Orientation-Based Harassment

Sexual orientation-based harassment is starting to gain traction and recognition as a legitimate type of workplace harassment. Victims face harassment because their sexual orientation is different from those around them.

People of any sexual orientation (heterosexual, homosexual, bisexual, asexual, etc.) may experience this form of harassment depending on their line of work.

For example, a homosexual man may face harassment on a construction site whereas a heterosexual man may be teased for working in a salon.

Age-Based Harassment

Workers 40 years and older are specifically protected by the Civil Rights Act of 1964 in an attempt to promote employment of older people and reduce age-based harassment.
A person facing age-based harassment might be:

- Teased and insulted
- Left out of activities or meetings
- Unfairly criticized

Simply because of their age and the stereotypes that come with it. Unfortunately, this harassment is sometimes an attempt to wrongfully push the individual into early retirement.” (I-Sight 2018).

These protected groups receive this type of harassment and workplace misconduct repeatedly throughout their career in the workforce causing mental and physical distress.

2. **Personal Harassment:** Personal harassment is not defined by targeting people of protected classes but any innocent employee the perpetrator chooses. This type of harassment is known as the common type bullying people must endure starting at early childhood, although personal harassment is not illegal it is still very damaging to the workplace.

   Personal harassment includes:

- Inappropriate comments
- Offensive jokes
- Personal humiliation
- Critical remarks
- Ostracizing behaviors
• Intimidation tactics

• Or any other behavior that creates an intimidating and offensive work environment for the victim.

3. Physical Harassment: Most commonly referred to when mentioning workplace violence entails the acts of physical violence or threats. Physical gestures such as “horse-playing” and friendly shoves between friendly employees often blur the lines of what physical harassment since it's to the discretion of the receiver to what makes them feel uncomfortable.

  Common behaviors include:

  • Direct threats of intent to inflict harm
  • Physical attacks (hitting, shoving, kicking)
  • Threatening behavior (shaking fists angrily)
  • Destroying property to intimidate

4. Power Harassment: Power harassment is a common type of workplace violence employees of lower stature within the company must endure. Typically, the harasser is a supervisor or manager who uses his/her power to victimize their subordinates.

  “Power harassment isn’t limited to a certain type of behavior. It can be verbal in the form of intimidation or it can be physical in the form of acts of violence.

  More often than not it’s psychological. The harasser subjects the victim to:

  • Excessive demands that are impossible to meet
  • Demeaning demands far below the employee’s capability
5. Psychological Harassment: Psychological harassment is the type of harassment that impacts the victim’s psychological well-being. “These victims often feel belittled or put down on a personal level, a professional level, or both. The damage to a victim’s psychological well-being often creates a domino effect, impacting their physical health, social life and work life.

Psychological harassment in the workplace might look like:

- Isolating or denying the victim’s presence
- Belittling or trivializing the victim’s thoughts
- Discrediting or spreading rumors about the victim
- Opposing or challenging everything the victim says” (I-Sight 2018).

6. Cyberbullying: Cyberbullying is defined as: “Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behavior” (U.S. Department of Health and Human Services 2018).

“Cyberbullying and online harassment are a serious concern for employers. Among many, many other things, online bullies may:

- Share humiliating things about the victim by mass email or mass chat
• Spread lies or gossip about the victim on social media
• Send harassing instant messages or text messages directly to the victim

Cyberbullying Laws

Federal law doesn’t explicitly cover “cyberbullying” yet (particularly for adults). However, the Department of Justice has noted that legal action is possible by prosecuting the online misbehavior under another law” (I-Sight 2018).

7. Retaliation: Retaliation harassment is a subtle type of harassment a perpetrator uses to get revenge on fellow employee or to discourage said employee from acting a certain way.

8. Sexual Harassment: Sexual harassment is a form of harassment that is sexual in nature, it usually includes unwanted sexual advances, conduct, or behavior. “For many years, there have been whispers that sexual harassment runs rampant in the restaurant industry. More recently, there’s been a steady flow of sexual harassment stories coming from Hollywood spawning a #MeToo campaign that highlights the prevalence of this behavior” (I-Sight 2018). This type of harassment will be discussed in greater detail as we progress.

9. Quid pro quo harassment: As we discussed earlier this type of harassment is used when the accuser rewards or punishes fellow employees based off if they cooperate with non-employment related tasks often sexual.

10. Third party harassment: Third part harassment is the type of workplace harassment that is committed by someone outside of the victim’s organization. People commonly
exposed to this type of harassment are cashiers, waiters/waitresses, customer services representatives, and more.

11. Verbal harassment: “Verbal harassment can be the result of personality conflicts in the workplace that have escalated beyond the casual eye roll or something more serious.

Unlike discriminatory types of harassment (such as sexual), verbal abuse is often not illegal. Instead, verbal harassment can be someone who’s consistently mean or unpleasant. For this reason, a lot of verbal harassment can be particularly damaging since it goes unnoticed and unresolved.

Obvious verbal harassment behaviors include things like threatening, yelling, insulting or cursing at a victim in public or in private.

Dr Gary Namie, workplace bullying expert, found trends in the negative effects of verbal abuse at work. It’s common, he says, to have feelings of shame and guilt, loss of passions and even increased blood pressure” (I-Sight 2018).

Harassment in the workplace has a vast scope that encompasses many different challenges and variables for employers trying to protect their employees and workplace environment. In the last few years many companies have made tremendous strides in order to maintain a safe healthy workplace, but there is much more work to be done.

**Sexual Harassment**

As discussed earlier sexual harassment is the type of harassment that is sexual in nature. The United States Equal Employment Opportunity Commission defines sexual harassment as “a
form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment” (United States Equal Employment Opportunity Commission 2018).

Sexual harassment has been very prevalent in the lives of many women in the workforce. In October of 2017 women took a stand and started the #MeToo movement.

“Long before this national moment, Tarana Burke created a “Me Too” movement in 2007 to help victims of sexual harassment and assault. Initially inadvertently building on Burke’s work, on October 15, 2017, actress Alyssa Milano invited people to use a #MeToo hashtag to show just how widespread sexual harassment and assault are in the United States beyond Weinstein and the stories in the headlines. Soon, millions of people had used the hashtag. Within a few days, Facebook reported that 45% of users in the US had at least one friend who had posted #MeToo on their timeline” (Stop Street 2018).

Once the movement took to social media it exploded with the likes of millions of women and men coming forward and discussing their experiences with sexual harassment within the workplace. “Many women have since come forward with their experiences of being
sexually harassed by colleagues and bosses, costing influential men in the entertainment industry and the media — including journalists here at NPR — their jobs” (Chatterjee, R. 2018).

This stunning wave of truth and horrifying truth sparked much more conversation, data analysis, and research on sexual harassment in the workplace. A survey conducted by the nonprofit organization Stop Street revealed that 81 percent of women and 43 percent of men had experienced some sort of workplace sexual harassment (Chatterjee, R. 2018).

Another survey found out that more than 3 out of 4 women have experience some sort of sexual harassment in a verbal manner: “

The results, released in a report Wednesday, show that 77 percent of women had experienced verbal sexual harassment, and 51 percent had been sexually touched without their
permission. About 41 percent said they had been sexually harassed online, and 27 percent said they had survived sexual assault.

Refer to graph below created by Stop Street Harassment (2018)
The report also investigated locations where people experienced harassment. The majority of women — 66 percent — said they'd been sexually harassed in public spaces. "The public forums are where you see the more chronic experiences of sexual harassment," says Raj. These include verbal harassment and physical harassment, like touching and groping.

However, 38 percent of women said they experienced sexual harassment at the workplace. Thirty-five percent said they had experienced it at their residence. These experiences are more likely to be assaults and the "most severe forms" of harassment, says Raj” (Chatterjee, R. 2018).

Table 3

Graph 3: Prevalence of Sexual Harassment by Location Categories

996 Females, 1013 Males

2018 SSH Study
Sexual harassment has been something majority of employees have had to deal with as to the seriousness and negative impact it has on individuals and the company has been disregarded and in other words swept under the rug. This has happened in the past because sexual harassment is not viewed as harmful as sexual assault or rape but, after years of repeated harassment the effects can be devastating. “Rape and sexual violence are closely monitored by the U.S. Centers for Disease Control and Prevention's National Intimate Partner and Sexual Violence Survey. As a result, public health agencies and health workers are more aware of their prevalence and have been able to take steps to help victims and offer programs aimed at preventing sexual violence. The new report shows that sexual harassment, too, is worth monitoring, says Decker. "We want to know that we're responding to things that are prevalent and common, and this is showing that sexual harassment is really prevalent" (Chatterjee, R. 2018).

Sexual harassment and assault have had a hugely negative impact on our entire country as it affects every aspect of American living: the individual, the employer, the workplace environment, and many more. “The most frequently selected outcome of respondents’ experiences of sexual harassment and assault were the same across gender, though women were significantly more likely than men to report these. The top outcome was feeling anxiety or depression (31% women, 20% men). The next most frequently selected response was to change one’s route or regular routine (23% women, 12% men). The third most frequently selected
response was to end a relationship due to the abuse (15% of women, 12% of men). A full list is found in Graph 9” (Stop Street Harassment 2018).
Stop Street Harassment. (2018)

Sexual harassment has been a torn in the side of American economic growth and healthiness since the start of working, but companies and people are standing up to fight this ideology and change the workplace as we know it. The government has also been giving a helpful push in the right direction with new laws protecting victims and people who report sexual harassment incidents. Many states have made it mandatory for companies to post bulletins and posters of information on what sexual harassment is and how to safely and confidentially report it.
Sexual Harassment is Against the Law

Sexual harassment is unwelcome or unwanted sexual conduct that is either very serious or occurs frequently. The harasser may be another employee, a supervisor, the company owner or even a customer. The harasser may be male or female. The sexual conduct can be verbal, physical, in writing or in pictures. Illegal sexual harassment creates a hostile or intimidating work place and interferes with an employee’s job performance.

Examples

1. An employee regularly tells his co-worker that he really likes her and wants to go out with her, although she continues to say no. When he is close to her at work, he touches her. One day when they are alone, he tries to kiss her. The manager has sexually harassed the employee.

2. Luisa works after school as a customer service representative. After a company dinner one evening, her supervisor offers to drive her home. During the car ride, her supervisor tells her that he thinks she is beautiful and asks her to have sex with him. Luisa refuses. When she goes to work the next day after school, her supervisor pulls her aside and tells her to look at her “new” work schedule. When she does, Luisa sees that her name has been removed from the schedule for the next several weeks.

Luisa has been sexually harassed by her supervisor and should report the conduct to another manager immediately.

Keep In Mind

Be Prepared! Know your rights and responsibilities as an employee or manager.

Tell the harasser to stop. If you don’t feel comfortable confronting the harasser or the conduct does not stop, tell your employer.

Report the harassment to your employer. If your company has a policy on harassment, it should identify who is responsible for handling complaints of harassment. If you are not comfortable talking to that person or your company does not have a harassment policy, talk to your manager or another manager in the company.

Keep records including witness names, telephone numbers and addresses. Document how you were treated as an employee.

Talk to a parent, teacher, guidance counselor, or another trusted adult about the harassment.

Act promptly. Once your employer knows about the harassment, it has a responsibility to stop the harassment. Also, you may not be the only person being harassed by this individual.

Contact EEOC. Our services are free and you do not need a lawyer to file a charge.

Need to File a Complaint?

If you think you have been discriminated against, you can file a formal complaint, called a “charge of discrimination,” with EEOC. We may mediate or investigate your charge and take legal action to stop any illegal discrimination.

We accept charges from applicants, employees (full-time, part-time, seasonal, and temporary), and former employees, regardless of citizenship and work authorization status.

Our services are free, and you do not need a lawyer to file a charge. For more information about how and when to file a charge, visit https://www.eeoc.gov/youth/filing.html.

Learn more about your rights as a young worker at www.eeoc.gov/youth. You can also email us at youth.atwork@eeoc.gov or call us at 1-800-669-4000 (TTY: 1-800-669-6820).

Figure 1

**Physical Assault or Violence**

There are multiple facets within the meaning of physical assault. All types of physical assault are physical or emotionally damaging, but there are some that are less serious than others. The various types to consider are: Simple assault, aggravated assault, robbery, rape or sexual assault and homicide. All these forms are illegal and punishable by law across the fifty states.

“In 2009, approximately 572,000 nonfatal violent crimes (rape/sexual assault, robbery, and aggravated and simple assault) occurred against persons age 16 or older while they were at work or on duty, based on findings from the National Crime Victimization Survey (NCVS). This accounted for about 24% of nonfatal violence against employed persons age 16 or older. Nonfatal violence in the workplace was about 15% of all nonfatal violent crime against persons age 16 or older.

The rate of violent crime against employed persons has declined since 1993. In 2009, an estimated 4 violent crimes per 1,000 employed persons age 16 or older were committed while the victims were at work or on duty, compared to 6 violent crimes per 1,000 employed persons age 16 or older in 2002. In 1993, the rate of nonfatal violence was 16 violent crimes per 1,000 employed persons while at work, a rate 75% higher than in 2009” (Harrell, E. 2011).
While physical assault can range from a simple assault of someone pushing an employee down it can also be classified as robbery, sexual assault, and even homicide. The most common type of assault is simple assault. “Simple assault is defined by the National Crime Victimization Survey (NCVS) as an attack, without a weapon, that results in no or minor injuries (e.g., cuts, scratches, black eyes) or any injury requiring fewer than two days in the hospital. Compared to violence outside the workplace, workplace violence is fairly rare; however, given the amount of time that Americans spend at work, it is an important subset of crime,” (National Crime Victims' Rights, 2018). Simple assault occurs often in the Mental/ Behavioral Health Department. This type of assault becomes challenging when reporting. Nurses and care providers feel an
obligation to care for their patients. Many patients whom suffer from mental illnesses are not in full control of their emotions, reasoning, and/or body parts which leaves for a gap in accountability whenever they cause harm to their nurses or caretakers. Simple assault happens often in the workplace and more often than not it goes unreported, again employers and human resource departments have been known to turn a blind eye to simple assault charges for multiple reasons like company reputation and the impact to the victim being a non-factor.

Simple assaults are more prevalent than aggravated assault, yet aggravated assault still posed as a huge factor in the workplace. Aggravated assault is defined as “the crime of physically attacking another person which results in serious bodily harm and/or is made with a deadly or dangerous weapon such as a gun, knife, sword, ax or blunt instrument. Aggravated assault is usually a felony punishable by a term in state prison,” (Aggravated Assault, 2012). These types of incidents lead to a multitude of problems like workers time lost, lawsuits, and bad reputation.

Assault whether it be simple or more serious affects everyone within the workplace and tends to be more prevalent in some job fields compared to others.” Among the occupations measured, persons in law enforcement experienced the highest proportion (19%) of workplace violence. Persons in retail sales occupations experienced about 13% of workplace violence while accounting for about 9% of employed persons. About 10% of victims of workplace violence worked in medical occupations” (Harrell, 2011). Law enforcement experiences the largest amount of workplace violence due to the nature of the job. These men and women are relied on to stop hostile people and situations and more often than not they end up having to
deal with a physical altercation. Many other job fields deal with violent assaults; trailing law enforcement with the highest amount are security guards and bartenders.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Rate of workplace violence per 1,000 employed persons age 16 or older</th>
<th>Nonworkplace violence rate per 1,000 employed persons age 16 or older</th>
<th>Percentage of workplace violence</th>
<th>Percentage of employed population age 16 or older</th>
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<tbody>
<tr>
<td>Total</td>
<td>5.1</td>
<td>16.4</td>
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<td>100.0%</td>
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<td>Medical</td>
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<tr>
<td>Physician</td>
<td>10.1</td>
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<td>1.1</td>
<td>0.6</td>
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<td>Nurse</td>
<td>8.1</td>
<td>13.8</td>
<td>3.9</td>
<td>2.5</td>
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<tr>
<td>Technician</td>
<td>11.1</td>
<td>12.2</td>
<td>2.3</td>
<td>1.1</td>
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<td>17.5</td>
<td>2.9</td>
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<td>Mental health</td>
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<td></td>
<td></td>
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<tr>
<td>Professional</td>
<td>20.5</td>
<td>17.2</td>
<td>3.9</td>
<td>1.0</td>
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<td>4.4*</td>
<td>0.7*</td>
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<td></td>
<td></td>
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<td>Preschool</td>
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<td>8.8</td>
<td>9.0%</td>
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<td>9.8</td>
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<td>0.5%</td>
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<td>1.5</td>
<td>1.5</td>
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<td>0.8</td>
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<td>Technical/industrial school</td>
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<td>14.1</td>
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<td>-</td>
<td>0.7*</td>
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<td>Other teaching occupations</td>
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<td>11.4</td>
<td>1.6</td>
<td>0.9</td>
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<td>Law enforcement</td>
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<td>Law enforcement officer</td>
<td>47.7</td>
<td>13.7</td>
<td>18.9%</td>
<td>2.1%</td>
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<tr>
<td>Corrections officer</td>
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<td>3.5*</td>
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<td>Security guard</td>
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<td>13.0*</td>
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<td>65.0</td>
<td>23.1</td>
<td>5.6</td>
<td>0.5%</td>
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<tr>
<td>Retail sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience or liquor store clerk</td>
<td>7.7</td>
<td>24.3</td>
<td>13.2%</td>
<td>9.0%</td>
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<tr>
<td>Gas station attendant</td>
<td>7.1*</td>
<td>25.1</td>
<td>0.7%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Bartender</td>
<td>30.2*</td>
<td>25.9*</td>
<td>0.8%</td>
<td>0.1%</td>
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<td>Other retail sales occupations</td>
<td>79.9</td>
<td>38.7*</td>
<td>1.9</td>
<td>0.1%</td>
</tr>
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<td>Transportation</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus driver</td>
<td>6.3</td>
<td>24.0</td>
<td>9.8</td>
<td>8.2%</td>
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<tr>
<td>Taxi cab driver</td>
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<td>12.9</td>
<td>7.4%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Other transportation occupations</td>
<td>10.0*</td>
<td>3.1*</td>
<td>0.6%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Other/unspecified</td>
<td>9.0*</td>
<td>33.3*</td>
<td>0.2%</td>
<td>0.1%</td>
</tr>
<tr>
<td></td>
<td>12.6</td>
<td>13.4</td>
<td>6.6</td>
<td>2.7%</td>
</tr>
<tr>
<td></td>
<td>2.8</td>
<td>16.6</td>
<td>37.3%</td>
<td>69.3%</td>
</tr>
</tbody>
</table>

Note: The National Crime Victimization Survey and Census of Fatal Occupational Injuries use different categories of occupations. Includes 2006 data. See Methodology.

*Based on 10 or fewer sample cases.

—Less than 0.05.

Source: National Crime Victimization Survey.
Harrell, E. (2011)

“From 2005 through 2009, of the occupational groups examined, law enforcement occupations had the highest average annual rate of workplace violence (48 violent crimes per 1,000 employed persons age 16 or older), followed by mental health occupations (21 per 1,000). Among the individual occupations examined, no occupation had workplace violence rates higher than those for law enforcement officers, security guards, and bartenders” (Harrell, 2011). In the table provided, technical school teachers, correctional officers, security guards, and bartenders all experience more than 60 violent crimes per 1,000 employed persons over the age of sixteen. Bartenders tops everyone in the workplace with more than 79 violent crimes per 1,000 employed persons over the age of sixteen.

Robbery

Robbery is another type of workplace violence, employees have to face within the workplace. “The FBI’s Uniform Crime Reporting (UCR) Program defines robbery as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear” (U.S Department of Justice FBI 2017). By definition robbery is another form of assault; more commonly linked to aggravated assaults.

Robbery happens often but only big stings draw national attention; for example, the robbery that took place at the Casino Queen in East Saint Louis, Illinois. Here’s a short article of the incident provided by Chris Regnier of fox two local reporting team “Illinois State Police investigators say three suspects armed with assault rifles came into the Casino Queen and
robbed the cash cage. The cash cage is on the main casino floor. The suspects got away with an undetermined amount of cash.

During the robbery, authorities say a male security guard from the casino was shot. We’re told the guard was unarmed. It's unclear where or how many times he was shot.

The exact condition on the guard is unknown, but investigators say he is in stable condition at a local hospital.

People inside the casino at the time of the robbery and shooting describe the scene as frightening and a stampede like situation where people were trying to get out.

The casino is closed until further notice and that Illinois State police have taken the lead in the investigation here” (Regnier, 2017). During this incident multiple employees experienced robbery, physical, and mental assault. These types of robberies are well known and documented but the suspects are not always going after money. Many other small-time robberies happen every day; the assailant(s) take things other than money and in many cases, it is not money it’s anything they find of value.

Hospitals and pharmacies deal with a large amount of robberies as well. This is commonly linked to the prescription drug abuse epidemic our country is facing; in 2014 almost 2 million Americans abused or were dependent on prescription opioids. “The 2016 pharmacy armed robbery statistics from the Drug Enforcement Agency show pharmacy robberies were slightly down (5 percent decrease from the previous year). Most notable is the change in Indiana, which led the nation in 2015 with 170 robberies. In the fall of 2015, time-delayed opening narcotic safes were installed in approximately 150 Indianapolis-area CVS stores,
resulting in a dramatic drop in robberies, as reflected in the national decline” (Kantor, A. 2016)

Many other pharmacies are following suit to the safety regulations Indiana put forth which has helped combat the rise in robberies. The U.S department of Justice Drug Enforcement Agency has put in many safety regulations for prevention and reporting of these types of incidents also guides for the employees to follow during the time the incident is occurring.
Homicides

Homicides are another unfortunate type of violence that happens in the workplace. Homicide is defined as “when one human being causes the death of another. Not all homicide is murder, as some killings are manslaughter, and some are lawful, such as when justified by an affirmative defense, like insanity or self-defense” (Carlson, 2015).

Table 6

Within the workplace manslaughter and murder have been the most prevalent. Manslaughter is the act of killing someone in a way less culpable than murder. Manslaughter has also been broken into two different types. Voluntary manslaughter which is intentionally
murdering someone in the heat of the moment and in response to adequate provocation. Involuntary manslaughter is negligently causing another person's death (Carlson 2015). An example of this would be a young lady texting on her phone while she was driving and started to go off the road. She then overcorrected her car and hit a car in oncoming traffic. The driver of the other vehicle passed away as a result of her actions. So, the young lady was charged with involuntary manslaughter because her actions of texting caused her to strike another vehicle, which resulted in the death of another individual. While an example of voluntary manslaughter would be more of a situation like: A man comes home early one evening to find his wife having extramarital affairs with another man. Seeing his wife with another man causes him to become so distressed and angry that he picks up the heavy lamp by the bed and hits the other man over the head with it, killing him. In this example of voluntary manslaughter, the assailant faces voluntary manslaughter charges, as he had no prior ill will toward the man but acted in the heat of passion.

Homicides statistically happen to more men but affects a larger percentage of the women's workforce. According to The Bureau of Labor Statistics Eighty-five percent of workplace homicide victims in 2015 were men. Of the 417 workplace homicides in 2015, 356 were homicides to men and 61 were homicides to women. Homicides represented 18 percent of fatal occupational injuries to women in 2015 compared with 8 percent of fatal occupational injuries to men. This can be further examined in the graph below provided by The Bureau of Labor Statistics.
Ideological Violence

“Ideological workplace violence is directed at an organization, its people, and/or property for ideological, religious or political reasons. The violence is perpetrated by extremists and value-driven groups justified by their beliefs. Many of the recent active shooter and terrorist incidents across the globe fall under this bucket” (Penfield, 2017).

When talking about this type of workplace violence mass murders and active shooters are brought into discussion and the incorrect assumption is that this is the biggest threat to the workplace. In fact, all the previous types of workplace violence incidents are much more prevalent and costlier in the workplace. This type of violence draws the most media attention.
while other types of workplace violence is kept in house and hushed as best as possible by companies. “Violence like the shooting in San Bernardino, Calif., raises an existential question: What are we most afraid of? Ideological killings, which occur relatively rarely, or “ordinary” violence — including school shootings, gang murders, domestic abuse and other forms of homicide — which is much more common? The numbers suggest that ideological violence — by Muslims, Christians or others — is not a leading threat to public safety in the United States. Out of 14,000 murders that the country experiences each year, a few dozen per year — less than 1 percent — are caused by political or religious ideologies (Penfield, 2017). Yet these instances of ideological violence generate a disproportionate amount of public attention and concern.

Under the label of “terrorism” and "homeland security," ideological violence has its own news beat, separate from other forms of crime. It has its own legal regulations and government agencies to enforce them. It has its own Congressional committees and campaign platforms” (Penfield, 2017).

At the World Trade Center (WTC) site in Lower Manhattan, 2,753 people were killed when hijacked American Airlines Flight 11 and United Airlines Flight 175 were intentionally crashed into the north and south towers, or as a result of the crashes. Of those who perished during the initial attacks and the subsequent collapses of the towers, 343 were New York City firefighters, 23 were New York City police officers and 37 were officers at the Port Authority. The victims ranged in age from two to 85 years. Approximately 75-80% of the victims were men. At the Pentagon in Washington, 184 people were killed when hijacked American Airlines Flight 77 crashed into the building. Near Shanksville, Pennsylvania, 40 passengers and crew members aboard United Airlines Flight 93 died when the plane crashed into a field. It is
believed that the hijackers crashed the plane in that location, rather than their unknown target, after the passengers and crew attempted to retake control of the flight deck. As of July 2018, 1,642 (or 60%) of 2,753 WTC victims' remains have been positively identified, according to the medical examiner's office. (CNN 2018). Statistically, ideological violence might be small compared to other types of workplace violence, but there can be such catastrophic impact from this type of violence thus it warrants its own legal regulations and congressional committees. There have been at least five different laws changed in direct correlation to the event on September 11, 2001.

The first of these laws regards airport security. This was part of the Aviation and Transportation Security Act, where congress approved the creation of the Transportation Security Administration (TSA) to guard and protect all airports where private security guards were used previously.

The second being “The USA Patriot Act, passed by Congress a little over a month after 9/11 and largely still in place today, amended numerous existing laws including the federal anti-money laundering statute and the Bank Secrecy Act of 1970, to make them tougher on terrorism” (Ballard Spahr 2016).

Our third law affected was the Foreign Intelligence Surveillance Act which lowered the level of suspicion and evidence needed by the government to engage in wiretapping and other surveillance practices.
The Material support laws expanded their anti-terror efforts by granting the U.S Department of Justice to prosecute not only the terrorists, but those who provide support like money, training and weaponry to them (Ballard Spahr 2016).

The final change that can be linked to the impact of 9/11 would be the creation of the U.S Department of Homeland Security “which combats terrorism and other threats domestically and has promulgated regulations on everything from border security to natural disaster management, is the main federal agency to emerge from the attacks. The department was created by the Homeland Security Act of 2002, absorbing and reorganizing 22 existing federal agencies that deal with domestic safety, law enforcement and immigration” (Ballard Spahr 2016).

Ideological workplace violence is an extremely scary and harmful type of violence employees must deal with, but it is by no means the most common or costly form.

** Shootings in the Workplace **

The number of shootings within the workplace in the past few years has been very alarming and all of the recent tragedies within our country have shifted the focus to this problem. “The Census of Fatal Occupational Injuries (CFOI) conducted by the Bureau of Labor Statistics (BLS) provides an annual count of fatal work injuries in the United States, including homicides. From 2006 to 2010, an average of 551 workers per year were killed as a result of work-related homicides. In 2010 (the last year for which final data are available), CFOI reported a total of 518 workplace homicides, or 11 percent of all fatal work injuries that occurred that year. A total of 77 of those were multiple-fatality homicide incidents in which two or more
workers were killed, including 69 homicides and 8 assailant suicides, all of whom were in work status at the time of the incident” (Ballard Spahr 2016).

Shootings accounted for more than three quarters of all workplace homicides in 2010. This has been a much larger problem in the private sector of the workplace (83%) opposed to the government sector which only accounts for 17% of these incidents. Workplace shooting events put into perspective only account for a small portion of nonfatal workplace injuries but is still highly problematic and negative for any corporation involved.
Active Shooter

Active shooter is something every American has heard via some sort of news broadcast. It is a highly dangerous and evil situation that has become far too common within the U. S. While a workplace shooting and active shooter at a workplace seem similar there are distinct differences within the definition of each other.

“An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims” (U.S DHS 2012). With there being no patterns and no real ways of tracking possible active shooter situations the best way a company can avoid them is by preparing.

Preparing involves having steps and guidelines in place for your employees to follow in case they are ever in this situation. Companies must take the time to prepare all of their employees mentally and physically with options for them to take and paths of easy egress. The U.S Department of Homeland Security has established three options for employees who find themselves in active shooter scenarios. Our first and best option being evacuate.

If there is an accessible escape path, employees should attempt to evacuate the premises. Be sure to:

- Have an escape route and plan in mind
• Evacuate regardless of whether others agree to follow

• Leave your belongings behind

• Help others escape, if possible

• Prevent individuals from entering an area where the active shooter may be

• Keep your hands visible

• Follow the instructions of any police officers

• Do not attempt to move wounded people

• Call 911 when you are safe

    If evacuation is not possible, employees should find a place to hide where the active shooter is less likely to find you.

Your hiding place should:

• Be out of the active shooter’s view

• Provide protection if shots are fired in your direction (i.e., an office with a closed and locked door)

• Not trap you or restrict your options for movement

To prevent an active shooter from entering your hiding place:

• Lock the door

• Blockade the door with heavy furniture
If the active shooter is nearby:

- Lock the door
- Silence your cell phone and/or pager
- Turn off any source of noise (i.e., radios, televisions)
- Hide behind large items (i.e., cabinets, desks)
- Remain quiet

If evacuation and hiding out are not possible:

- Remain calm
- Dial 911, if possible, to alert police to the active shooter’s location
- If you cannot speak, leave the line open and allow the dispatcher to listen

    If employee(s) cannot escape the shooter and has run out of places to safely hide they should move to the last resort, acting against the shooter. This is an absolute last resort and should only be followed when your life is in imminent danger. Victim now should attempt to disrupt, and/or incapacitate the assailant.

- Acting as aggressively as possible against him/her
- Throwing items and improvising weapons
- Yelling
- Committing to your actions

BE PREPARED FOR AN ACTIVE SHOOTER

Recent national tragedies remind us that the risk is real. Taking a few steps now can help you react quickly when every second counts.

An active shooter is an individual engaged in attempting to kill people in a confined space or populated area. Active shooters typically use firearms and have no pattern to their selection of victims.

IF YOU ARE INVOLVED IN AN ACTIVE SHOOTER INCIDENT

See something, say something.

Learn first aid skills so you can help others.

Before you run, know the exits.

Help law enforcement.

Find a place to hide.

Seek help to cope with trauma.

Run

Hide

Fight

FEMA (2016)
Protecting Workers from Workplace Violence

It is always the ultimate responsibility of employers to protect their employees from workplace violence. There are many laws, policies and plans of action for companies to effectively do so as well. All these options should be utilized together in order to make a firm, safe workplace culture for all employees to abide by. The most successful companies are able to combine laws, company policies, regular training, and firm action to create the safest workplace environment for their employees.

Laws

While there isn’t any federal laws specifically about workplace violence some states have created their own set of laws to further protect workers, according to United States Department of Labor (2018), under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act of 1970, employers are required to provide their employees with a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm." The courts have interpreted OSHA’s general duty clause to mean that an employer has a legal obligation to provide a workplace free of conditions or activities that either the employer or industry recognizes as hazardous and that cause, or are likely to cause, death or serious physical harm to employees when there is a feasible method to abate the hazard. This clause has been the backbone in keeping workers safe and employers continuously working to make the workplace hazard free.
Inspections

OSHA also has set directives in place for government officials to make inspections of certain industries to ensure that the General Duty clause is being followed. These inspections happen for one of two reasons: 1 there has been a complaint, referral, or a fatality involving an act of workplace violence usually stemming from an industry identified by OSHA as having workplace hazards and programmed inspections United States Department of Labor and OSHA (OSHA 2017).

United States Department of Labor and OSHA (2017) also states that, programmed inspections that specifically highlight workplace violence as a potential hazard should include appropriate review of injury and illness records, any incident reports, and employee interviews. Compliance officers may also consider expanding an inspection to include an assessment of the potential for workplace violence when records and/or interviews suggest such hazards may be present.

OSHA-Identified, High-Risk Industries.

a. Correctional Facilities.

This category includes prisons, detention centers, and jails where OSHA has coverage under the Act.6

b. Healthcare and Social Service Settings.

This category covers a broad spectrum of workers who provide healthcare and social services at a range of facilities. Five categories of facilities have been identified for the
purpose of this instruction and are further developed in OSHA’s Guidelines for preventing Workplace Violence for Healthcare and Social Service Workers.

• Hospital settings represent large institutional medical facilities.

• Residential Treatment settings include institutional facilities, such as nursing homes and other short and long-term care facilities.

• Nonresidential Treatment Services settings include small neighborhood clinics and mental health centers.

• Community Care settings include community-based residential facilities and group homes.

• Field Work settings include home healthcare workers or social workers who make visits to the home of clients.

c. Late-Night Retail.

This category includes workplaces such as convenience stores, liquor stores and gas stations. Factors that put late-night retail employees at risk include the exchange of money, being located in a high-crime area, 24-hour operations (time-of-day should not be considered the only factor), solo work, isolated worksites, the sale of alcohol, and poorly-lit stores and parking areas.

d. Taxi driving.
This category includes taxi and livery drivers. Factors that put taxi drivers at risk include working alone, late at night, in recognized high-crime areas where money is exchanged, and customers may be under the influence of alcohol or other drugs.

OSHA has also created a flow chart to help decipher if a complaint should be result in an inspection of said workplace.
Complaint Flowchart

Decision-making flowchart for opening an inspection in response to a workplace violence complaint

- **Complaint Received**
  - Is physical violence or the threat of physical violence being described? **NO** -> Do not inspect. Make possible recommendation to contact the EEOC or HR. **YES**
  - Is anyone in imminent danger? **NO** -> Is the violence a predictable part of the job and not personal? **NO** -> **YES** -> Tell the caller to hang up and call 911 immediately. (They can always call back with a complaint later.) **NO**
  - Is the complaint in a high-risk industry?? **NO** -> **YES** -> Is the violence described TYPE 1 or 2 ?? **NO**
  - Are elements of a General Duty Clause violation present? **NO** -> **YES**
  - Open an inspection or Phone/FAX

†The violence or threat of violence must have caused or was likely to cause death or serious physical harm. Bullying, intimidation and harassment generally do not meet these criteria.
††See Section XI.A.2. OSHA-Identified, High-risk Industries.
‡‡See Section XI.A.3. Most Common Types of Violence Covered by this Instruction.

Figure 6

Provided by United States Department of Labor and OSHA (2017)
Policies

Documented company policies and programs must be in place, readily available and known to all employees for them to be most successful. These documents need to include what type of behaviors are considered as a workplace violence violation, this includes: threatening, physical, and verbal behaviors. These forbidden actions must be clearly defined and the consequences to these actions known and followed (CDC 2006).

According to CDC (2006), “A review and response system for all reported violent incidents must be in place, along with guidelines to assist those with the responsibility to review and respond. Specific procedures are needed for reviewing each reported incident, and mechanisms are needed to support and protect all affected persons. Ineffective follow-up undermines worker perception of management commitment and negates incentives to report incidents. Victims and recipients of threats or harassment expect a firm response. Review and response to reported violence might best be accomplished via a team approach (e.g., a threat assessment team).” For the most success with company policies against workplace violence they must include clear, finite definitions; mandatory detailed reporting; a structure and process in place for reporting; and timely and reliable review and response. This will help encourage employees who are targets of workplace violence to report incidents while deterring assailants from continuing their unacceptable behavior.

Commitment

The management team in place must be absolutely committed to workplace violence prevention policies and programs. Top management support helps ensure that adequate
resources (including staffing) will be applied to the program, that the program will be launched from the top down, and that the effort will likely be accepted throughout the organization and sustained. CDC (2006) Once management sets the standards for the employees to follow, they should then move to get the workers involved in the planning, development, and implementation of programs and policies. It is important to include employees because they see and experience much different situations than the management or human resources department does. This type of dynamic commitment helps get the company as a whole involved and informed about what company policies are; uninformed employees are the most dangerous.

Another approach to obtaining an extensive workplace violence policy is the collaboration of people from different disciplines, company departments, and levels of the organization. According to CDC (2006), “The involvement of persons with diverse expertise and experience is especially critical due to the depth and complexity of WPV prevention. Such teamwork is crucial for planning, developing, and implementing programs, as well as serving discrete functions, such as threat assessment teams formed to review and respond to reported physical, verbal, or threatened violence. Some of the key levels, disciplines, and departments mentioned included management, union, human resources, safety and health, security, medical/psychology, legal, communications, and worker assistance.” Bringing all of these departments together allows for greater attention to detail, perspective, and unity. Plans put in place with the company’s local law enforcement and other service providers is also very useful.

Multidisciplinary teams are key because everybody plays a role in creating a violence free workplace. The responsibilities differ throughout the various departments, the US
Department of Labor backs this with a breakdown of departments and responsibilities they hold;

"Employees (Including Managers and Supervisors) are responsible for:

- their own behavior by interacting responsibility with fellow employees, supervisors, and clients;
- being familiar with Department policy regarding workplace violence;
- promptly reporting actual and/or potential acts of violence to appropriate authorities;
- cooperating fully in investigations/assessments of allegations of workplace violence;
- being familiar with the service provided by the Employee Assistance Program; and
- informing appropriate personnel about restraining or protective court orders related to domestic situations so that assistance can be offered at the work site.

Managers and Supervisors are additionally responsible for:

- informing employees of the Department's workplace violence policy and program;
- taking all reported incidents of workplace violence seriously;
- investigating all acts of violence, threat, and similar disruptive behavior in a timely fashion and taking the necessary action(s);
- providing feedback to employees regarding the outcome of their reports regarding violent or potentially violent incidents;
- requesting, where appropriate, assistance from functional area expert(s);
• being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties;

• encouraging employees who show signs of stress or evidence of possible domestic violence to seek assistance, such as the Employee Assistance Program; and

• assuring, where needed, that employees have time and opportunity to attend training, e.g., conflict resolution, stress management, etc.

**Security Office and Federal Protective Service are responsible for:**

• providing security and helping to defuse violent situations;

• providing technical advice and support regarding physical security matters;

• maintaining an ongoing security awareness program;

• assisting with or conducting investigations of threats or incident of violence;

• requesting, where appropriate, assistance from functional area expert(s);

• acting as liaison with local authorities and outside law enforcement agencies; and

• making arrests for acts of violence in Government owned and/or Government leased buildings, when appropriate and when having authority.

**Safety and Health Managers are responsibilities for:**

• assisting, when appropriate, Department officials with threat assessment and response activities;
• assisting, when appropriate, in assessing the physical and social environment for potential negative and positive stressors (e.g., space, lighting, temperature, and noise level);

• preparing trend reports and other analyses of safety and health incident report data; and

• assisting in emergency preparedness activities.

**Employee Assistance Program is responsible for:**

• providing consultation and guidance to supervisors in dealing with employees who exhibit performance or conduct problems;

• providing problem assessment for employees experiencing personal problems on and off the job;

• providing short-term counseling and referral service to employees;

• referring employees needing long-term counseling to appropriate treatment resources; and

• participating in conducting threat assessments, when requested.

**Unions and Their Representatives are responsible for:**

• supporting the Department's workplace violence policy and program;

• being cognizant of situations that have the potential to produce violence and promptly addressing them with all concerned parties;
• being sensitive to stress generated by the workplace and assisting employees in alleviating it;

• encouraging employees who show signs of stress to obtain assistance, such as that offered by the Employee Assistance Program; and

• advising employees, if they inquire, of the procedures for reporting violent behavior.

**Health Unit is responsible for:**

• providing first aid/emergency care in a medical emergency and referring clients to appropriate community medical resources, when needed.

**Office of the Solicitor is responsible for:**

• providing legal advice and support to supervisors and functional area experts.

**Building Management is responsible for:**

• serving as advisor to functional area experts; and

• performing, in conjunction with General Services Administration, security analysis of facilities.

**Public Affairs is responsible for:**

• advising the Department on public affairs issues related to violence in the workplace; and

• providing advice and assistance concerning specific information that could and should be released to the media before, during, and/or after a crisis.
Human Resources is responsible for:

- assisting in assessing and investigating allegations of workplace violence raised by employees, supervisors, and/or managers, as requested;

- providing technical expertise and consultation to help supervisors determine what course of administrative action is most appropriate in specific situations, including Alternatives to Discipline and use of Alternative Dispute Resolution process;

- providing advice and counsel regarding personnel rules and regulations; and

- offering training courses to assist employees to deal with situations which may lead to potential violence, e.g., conflict resolution, stress management, negotiation skills, etc. (US Department of Labor, 2018).
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