

2018

# Workplace Violence



Jill Drye  
Acclaim Federal Credit Union  
Greensboro, NC  
[Jill@AcclaimFCU.org](mailto:Jill@AcclaimFCU.org)

Sharon Mitchell, CCUFC  
Fortera Federal Credit Union  
Clarksville, TN  
[smitchell@forteracu.com](mailto:smitchell@forteracu.com)

Deborah Perkins-Futch, CUDE  
Duke University Federal Credit Union  
Durham, NC  
[dfutch@duke.edu](mailto:dfutch@duke.edu)

Yolanda Whitmore  
Neighbors Federal Credit Union  
Baton Rouge, LA  
[ywhitmore@neighborsfcu.org](mailto:ywhitmore@neighborsfcu.org)

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## I. Introduction

“He went postal.” On August 20, 1986, Patrick H. Sherrill walked into the Edmond, Oklahoma, post office. He shot 14 people to death, wounded 6 others, and then killed himself. Patrick Sherrill had a poor work history and was in danger of being fired.

Fred Cowan entered the Neptune Worldwide Moving Company on Valentine's Day, 1977. He shot five employees to death and two police officers who arrived on the scene. Ten hours into the standoff, Cowan took his own life.

In 1998 Alexander Kuzminykh had been restrained to quarters aboard the military submarine to which he was assigned. He broke free, stabbed a guard to death with a chisel, and stole the guard's assault rifle. He killed seven crew members and sealed himself in the torpedo compartment. Had a torpedo detonated, the nuclear reactor would have melted causing the submarine to turn into a “floating Chernobyl”. (Warder, 2014)

Before 9/11 David Burke was a USAir ticket agent. He was fired for theft. However, while his employee credentials were still active he purchased a ticket on Pacific Southwest Airlines Flight 1771 to San Francisco. Burke knew his former supervisor would be on the flight. He bypassed security and brought a .44 Magnum onto the plane. Investigation determined that Burke shot his supervisor, murdered the pilots, and then brought down the plane killing all 43 people on board. Burke had left a note to his supervisor in an airsickness bag: “I asked for some leniency for my family, remember. Well, I got none. And you'll get none.” (Warder, 2014)



### Complete list of passengers

SAN DIEGO (UPI) — A complete passenger list and names of the five crew members killed when Pacific Southwest Airlines Flight 1771 crashed in central California while flying from Los Angeles to San Francisco was released by PSA Wednesday.

**The crew:**  
• —Capt. Gregg N. Lindemood, 43, Julian, with PSA since 1972. He had logged 11,000 hours total flight time, including 2,500 on the British Aerospace 146, which he has flown since 1985.  
• —First Officer James Howard Hunt, 48, Upland, with PSA since March. He had logged 12,000 hours total flight time, including 300 hours on the BAe 146.  
• —Flight attendant Debbie Nissen Neil, 37, San Jose, with PSA since 1970.  
• —Flight attendant Debra Wattersen Vaylante, 32, Redding, Conn., with PSA since 1977.

• —Flight attendant trainee Julie Gottesman, 20, Verdala, Wash., with PSA since November 1987.

**The passengers:**  
• —Shawn Addington, Foster City.  
• —Doug Arthur, 41, San Diego, PSA's chief pilot at Los Angeles.  
• —David Burke, Long Beach, fired USAir employee.

• —Jim Carroll, San Francisco.  
• —Stephen Cone, San Francisco.  
• —John Conte, Milpitas, a PSA employee.  
• —Anthony Cordova, San Francisco.  
• —Jaime Clark, Milwaukee, Wis.  
• —Sharon Engstrom, Half Moon Bay.  
• —Karen Fox, San Jose.  
• —D. Guilliano, New York.  
• —Donald Hogg, San Francisco.  
• —Theresa Kukul, Los Angeles.  
• —Jacelyn Kempa, Ventura, Chevron USA Inc.'s public affairs manager for the Santa Barbara region.  
• —Karin Krom, San Francisco.  
• —Kathleen Miko, Arcadia.  
• —Owen Murphy, Los Angeles, Chevron USA

Inc.'s regional vice president for public affairs in Los Angeles.

• —Wayne Nelson, San Francisco.  
• —Cliff Perry, San Francisco.  
• —Kevin Phelan, Los Angeles.  
• —Thomas Robin, New York state.  
• —James Rattinhouse, San Francisco.  
• —Curtis Rhee, San Francisco.  
• —John Rosen, Los Angeles.  
• —Bill Rosenberg, San Francisco.  
• —Burt Saur, W. Germany.  
• —Erika Saur, W. Germany.  
• —Camille Scalfaro, San Francisco.  
• —Kirk Shiba, San Francisco.  
• —Linda Siegfried, San Francisco.  
• —Wolfgang Stadenmann, W. Germany.  
• —Allen Swanson, Los Angeles, Chevron USA Inc.'s public affairs manager for Orange County.  
• —James Sylla, 52, San Francisco, Chevron USA Inc. president.  
• —Ray Thomson, Tiburon, Los Angeles International Airport station manager for USAir.  
• —Earl Webb Jr., Los Angeles.  
• —Mary Webb, San Diego.  
• —Neil Webb, San Diego.  
• —Leon Winters, San Francisco.

Mass murders in the workplace by unstable employees have become media-intensive events. (Rugala & Isaacs, 2001) However, workplace violence involves a far wider range than the horrendous active shooter scenarios thrown across our television screens.

Violence in America has invaded the workplace, putting at risk the safety, productivity, and health of American workers. Workplace violence is the reality which has invaded every type of workplace and affects every type of employee in every industry. There is an increasingly pervasive sense of vulnerability among the American workforce. In fact, workplace violence is now recognized as a specific category of violent crime that calls for distinct responses from employers, law enforcement, and the community.

Two million American workers are victims of workplace violence each year. While homicide at the workplace is a rare crime, workplace homicide is still the fourth leading cause of fatal occupational injury. Unfortunately, workplace violence can happen anywhere, anytime. Whenever a violent incident occurs, serious potential exists for physical, emotional, and financial impact on the victim, co-workers, and the entire community. Workplace violence has a devastating effect on the productivity of organizations and on the quality of life for the employees.

We will examine the reality and the risks of this growing category of violence with focus on what can be done by credit union employers, employees, and the community to provide effective assistance and support to victims of workplace violence.

We will explore violence perpetrated by our members, violence resulting from disgruntled employees, domestic violence and how it can disrupt the work environment, and active shooter scenarios. We will look at the emotional, financial, and legal ramifications of each as it relates to the workforce.

Credit unions, banks, and other financial institutions have some familiarity with training in anticipation of violence. However, credit unions must remember that robbery training is not the same as a workplace violence plan or more importantly, active shooter training. Part of the Occupational Safety and Health Act of 1970 states, "Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." With an active shooter incident now 18 times more likely to occur than a fire at a place of business, several courts have recently ruled that an active shooter in the workplace should now be considered a recognized hazard. (Green 2015)

### **What is workplace violence?**

"Workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths." (U.S. Department of Labor, 2002)

What is workplace violence really? Many people think of violence as a physical assault. However, threatening behavior, intimidation, or verbal threats are often not considered a form of assault. The Department of Labor defines workplace violence as: *any threat or*

*act of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the worksite.*

While specific definitions may vary, generally speaking workplace violence includes:

- Threatening behavior - such as shaking fists, destroying property or throwing objects
- Verbal or written threats - any expression of an intent to inflict harm
- Harassment - any behavior that demeans, embarrasses, humiliates, annoys, alarms or verbally abuses a person and that is known or would be expected to be unwelcomed. This includes words, gestures, intimidation, bullying, or other inappropriate activities
- Verbal abuse – swearing, insults or condescending language
- Physical attacks – hitting, shoving, pushing or kicking

Rumors, pranks, arguments, property damage, sabotage, and psychological trauma are all examples of workplace violence.

## II. Types of Workplace Violence

The FBI separates workplace violence into four categories based on victim-perpetrator relationship.

Type of Workplace Violence	Victim/Perpetrator Relationship	Example of Violence
<b>Type I</b>	Criminal Intent – no prior relationship to an organization or its employees	August 21, 2017 Brandon Council walked into a CresCom Bank Branch in Conway, SC and gunned down two employees. He escaped with cash and one of the victims' vehicles. Neither victim survived.
<b>Type II</b>	Customer/Member/Client – Is a current member/customer/client of the organization	Credit Union member became enraged that he would be turned down for a loan. He began stalking the loan officer who denied the loan. The member would follow the loan officer whenever they left the Credit Union and a restraining order had to be taken out. The stress of the ordeal manifested itself to the point the employee ended up missing many weeks of work and had to attend counseling.
<b>Type III</b>	Employee to Employee – Current or Former	June 5, 2017 John Robert Neumann Jr., a former employee returned to a local RV accessory business and shot five people before killing himself
<b>Type IV</b>	Personal Relationship – Employee/Member friendship or relationship	October 30, 2017 A women in San Bernardino County was critically injured when her ex-husband stabbed her outside her workplace and then ran over her with his vehicle

### **Type I: Criminal Intent**

On January 26, 2018 a homeless man pretended to be an Avenger while robbing a bank in the Bronx. He robbed a Bank of America, claimed to be Captain America and carried a cross-bow. He made off with \$8,000 before being apprehended.

Violence by criminals otherwise unconnected to the workplace account for the vast majority--nearly 80 percent--of workplace homicides. When a stranger commits a criminal act against an employee, this is known as Type I workplace violence. The perpetrator has no legitimate relationship to the employee and the violent act is usually incidental to another crime.

This type of violence falls heavily on particular occupational groups whose jobs make them vulnerable: taxi drivers, late night retail or gas station clerks, and others who work in isolated locations or dangerous neighborhoods and who carry or have access to cash. (*US Department of Justice, Federal Bureau of Investigation. Workplace Violence-Issues in Response*).

### **Type II: Customer/Member/Client**

A customer returning a Wi-Fi card to an electronics store became irate at an employee who could not issue a refund by policy. When the employee offered to look at the card to check if it could be replaced under warranty, the customer became irate. The customer started screaming at the employee. As the customer was escorted from the store he yelled "If I ever see you on the street I'm going to (expletive) kill you!" (Bhasin, 2011)

An assault on an employee by a customer, client, member, patient, or anyone for which the business provides a service is considered Type II violence. The perpetrator has a legitimate relationship with the business and becomes violent while being served or when they are denied services. The violent act usually occurs while employees are performing their normal job duties. These violent reactions are unpredictable, triggered by an argument, anger at the quality of service or denial of service, delays or some other precipitating event.

Employees experiencing the largest number of Type II assaults are those in the healthcare occupations, members of emergency medical response teams, police officers, social workers, and hospital employees working in admissions and emergency rooms.

### **Type III: Employee to Employee**

In August 2015 a disgruntled ex-employee of a news station in Virginia shot and killed two former co-workers.

In 2014 a warehouse employee stabbed six co-workers, two of whom died.



In 2010 a car dealership employee who had been suspended shot a co-worker, wounded another, and then took his own life.

Type III violence between co-workers is commonly referred to as lateral or horizontal violence. It includes bullying, and frequently manifests as verbal and emotional abuse that is unfair, offensive, vindictive, and/or humiliating. Former employees also fall under the Type III category. Any workplace can be at risk of violence by a coworker or former employee. In committing a threat or assault, the individual may be seeking revenge for what is perceived as unfair treatment.

Type III violence gets the most press and is most often identified and confused with the broader topic 'going postal'. When a former employee 'goes postal', few would mistake this for anything other than workplace violence.

#### **Type IV: Personal Relationship**

Dana M was an administrative assistant. She never mentioned troubles at home. One morning Dana's husband went to her workplace, entered her office, and fired five shots, killing her instantly.

Alice B was a district manager. She had notified her supervisor that she was going through a bad and nasty divorce and custody battle. Her husband had even gone so far as to send the children home with bullets for her. Alice's supervisor notified the workplace and arranged to have armed security on the premises when she worked. However, Alice's husband shot her to death as she was getting out of her car in the company parking lot.

In Type IV violence, the perpetrator has a relationship to the employee outside of work that spills over into the work environment. Women are more frequently the victims of Type IV violence. In 2012 twenty-one percent of work related homicides were women with the perpetrator being the spouse or domestic partner. Harassment and stalking are commonly carried out by the perpetrator. Even though the perpetrator does not have a relationship with the business, he/she has a relationship with the intended victim. Type IV violence is one of the hardest to identify and subsequently deal with since the symptoms of impending violence can be difficult to detect. (*Bureau of Labor Statistics, "National Consensus of Fatal Occupational Injuries in 2012"*)

It is important to know that Type I violence, employee vs. criminal outsider and Type IV, employee vs. significant other, account for the majority of workplace violence incidents and deaths. In a tight economy, casualties from all four categories are likely to increase.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (conferences, workshops, off-site training), at social events related to work, or away from the office but resulting from work (a threatening phone to your home from a member).

The impact of non-fatal workplace violence is significant, with the FBI estimating that such crimes cost the American workforce approximately \$36 billion per year. (Seckan, 2013)

The occurrence of workplace violence may actually be substantially under-reported—a 2001 study estimated that 2.3 million men and 1.1 million women have been victimized while at work. Even if the frequency of such violence appears to be low, the economic impact could be significant as a result of direct costs (doctor and hospital expenses) and indirect costs (missed days of work or reduced productivity). A 2000 study calculated that the direct and indirect cost of 344 non-fatal workplace assaults in one state alone during a single year—Minnesota in 1996—amounted to almost \$5.9 million. (Seckan, 2013)

### **Who is affected by Workplace Violence?**

#### **Employers**

The estimated \$36 billion spent per year on workplace violence includes medical and psychiatric care, lost business and productivity, repairs and clean up, higher insurance rates, increased security costs, and worst of all, the loss of valued employees. For six to eighteen weeks after an incident happens, there is a 50% decrease in productivity and a 20% to 40% turnover in employees according to Duane Frederickson, a detective of the Minneapolis Police Department.

In addition, business owners are increasingly being held liable for not making their premises safe for employees and customers. Potential areas of workplace violence-related litigation that should concern employers include civil actions for negligent hiring, workers compensation claims, third-party claims for damages, invasion of privacy actions, and Occupational Safety and Health Administration (OSHA) violation charges. (Heathfield, 2017)

#### **Employees**

Workplace violence has far reaching consequences for the employees throughout the company. Besides the effect of financial loss and decreased productivity for the organization, there is associated job dissatisfaction, decreased employee morale, absenteeism, and problems with employee retention. The impact of the incident severely impacts the employees' lives physically, psychologically, and financially. Short and long term psychological problems, fear of returning to work, and changes in relationships with other co-workers, family, and friends have been reported by those employees who witnessed a violent event. All of the post trauma consequences experienced by any victim of a violent crime are generally also experienced by a victim of workplace violence. Although the initial impact is the same, a workplace violence victim is often expected to return to 'the scene of the crime' day after day and to continue to function efficiently.



## **Family**

Families may suffer the displacement of shame, anger, and anxiety by the employee impacted by workplace violence. "Violence at work begets violence at home." (Workplace Bullying Institute, 2017)

Even more common is the emotional withdrawal of the employee from the family. Support is rebuffed. The employee struggles to make it through the day. When they get home they want to go to sleep. Routines and family traditions are disrupted. Spouses often bear the brunt of the anxiety as they try to help reduce stress and keep normal routines. Often the spouse will feel additional anxiety and stress as they take on the burden of family duties and schedules while hoping their family member will return to a normal disposition. Family members can also experience post-traumatic stress disorder symptoms and may also need counseling to deal with their fears and reaction to the incident.

## **Community**

Neighborhood fear can slow physical activity to a crawl. Where there has been violence in the workplace, you will notice a lack of outside activity in the neighborhood area encompassing the workplace. People are naturally too afraid to venture out as they perceive the neighborhood is no longer safe. When there is violence or fear of violence, there is a disinvestment in those communities. Businesses are less willing to locate their establishment in the areas in which violence has occurred. Violence or fear of violence in the neighborhood also diminishes social networks, trust and a lack of neighborhood cohesion contributes to a fivefold increase in incidences of more violence.

# **III. Prevention**

## **Workplace Violence Policies**

It is important to remember even the most respectful environment can experience incidents of workplace violence as the environment is not always the stressor that leads to the occurrence of an incident.

In managing workplace violence, an organization must have clear, documented policies and procedures for dealing with all health and safety issues. These documents should set out the framework for managing workplace safety, establish relevant standards and provide procedures for action in the event of an incident. Consulting with employees is necessary when developing and implementing effective policies and procedures.

To assist staff in managing violence and stress, employers should ensure that all staff are provided with adequate training. The training should equip staff with skills to help them recognize and defuse potentially violent situations and teach them how to respond should such problems occur. The development of good communication and interpersonal skills is essential to assist in promoting positive relationships with co-workers and clients/customers/members. Provisions must be made for the training of staff to help them identify potential violence and to protect themselves from the hazard.

Procedures should ensure that employees who have been victims of workplace violence receive the necessary assistance.

### Threat Assessments

All workplace violence policies should include threat assessments. Threat assessment involves three functions: identify, assess, and manage. A threat assessment aims to interrupt people on a pathway to commit predatory or instrumental violence, the type of behavior associated with targeted attacks, says Reid Meloy, PhD, co-editor of the International Handbook of Threat Assessment. Threat assessment should be thought of in public health terms: prevention, not prediction. Just as seatbelts and speed limits prevent injuries without predicting who will crash a car, and restrictions on cigarette sales reduce lung cancer deaths without pinpointing who will get the disease, threat assessments aim to prevent violence without profiling potential attackers.

Here is how the process should work:

- **Identify:** Authorities identify threats. To do that, people need to know when, how, and where to report concerns
- **Access:** The next step in a threat assessment is gathering and evaluating information from multiple sources. That could be security professionals, human resource managers talking to the person of concern and his or her peers and supervisors, as well as looking to social media sites. Authorities may also analyze the subject's current situation. The investigators also ascertain whether or not the person of concern has a motive, a target and the organizational skills to carry out an attack. The central question is whether the subject poses a threat, not whether the subject made a threat. Many people who pose a threat don't make one. Nevertheless, all threats should be taken seriously because some people interpret a threat being ignored as a message to move toward violence.
- **Manage:** More often than not, an assessment reveals a manageable underlying issue such as bullying, anxiety or depression that mental health professionals are well trained to handle. With a systematic, careful approach focused on the problem that stimulated the threat, the threat can go away and the concern about the violence diminishes. Every threat is really a symptom of a problem that someone cannot resolve.

In the rare case that the assessment reveals a true threat, law enforcement and other threat assessment professionals develop a plan to interrupt the potential pathway to violence. In the short term that means to aid someone who might be on a path to despair - who may be prepared to die - to move them on a path to hope.

A written workplace violence prevention policy should clearly indicate zero-tolerance of violence at work, whether the violence originates inside or outside the workplace. Just as workplaces have developed mechanisms for reporting and dealing with sexual

harassment, they must also develop threat assessment teams to which threats and violent incidents can be reported. These teams should include representatives from human resources, security, employee assistance, employees, management, and perhaps legal and public relations departments. The charge to this team is to assess the threats of violence (i.e. to determine how specific a threat is, whether the person making the threat has the means to carry out the threat, etc. ) and to determine what steps are necessary to prevent the threat from being carried out.

This team should also be charged with periodic reviews of violent incidents to identify ways in which similar incidents can be prevented in the future. The violence prevention policy should explicitly state the consequences of making threats or committing acts of violence in the workplace.

## *Work Place Violence* **Threat Assessment**

- **IT IS IMPORTANT TO NOTE THAT IN THE GREAT MAJORITY OF CASES, A THREAT WILL NOT LEAD TO A VIOLENT ACT.THE THREAT ITSELF, HOWEVER, DAMAGES WORKPLACE SAFETY AND MUST BE RESPONDED TO.**

### **Active Shooter Training**

Policies should also include a specific section on dealing with active shooter incidents and training. Active shooter training is essential.

Employers must ensure the plan incorporates who, what, where, and how the plan will be managed.

- Who? Who will be the point of contact for law enforcement? Who is the backup person if the main contact is not available? Who will handle talking to the media and the public? Who will post on social media websites? Who will contact and relay information to NCUA? Who will contact the board of directors or other employees? Who will be

responsible for contacting family members of employees or members?  
Are the emergency contacts up to date?

- What? What will be told to the media, the public, the employees, the families and members?
- Where? Where will the Credit Union operate? If there are other branches, ensure it is easy to direct members to other locations. Create a plan if the credit union has only have one branch. What is the disaster recovery plan?
- How? How will the credit union deal with the aspects of being a victim of an active shooter incident? How prepared is the credit union to deal with the emotional reactions of employees and members?

### **Employer Responses**

Under Work Health and Safety laws, businesses and employers have the primary duty to ensure, so far as is reasonably practicable the health and safety of all persons while at work. This duty of care includes protecting people from workplace violence. The legislative duty requires the prevention of “foreseeable risk”. The duty extends not only to employees, but to all persons at the workplace including clients, customers, and visitors.

Some preventive measurements for employers to consider are:

- *Workplace/Environmental design* considers factors such as workplace lay-out, use of signs, locks or physical barriers, lighting and electronic surveillance.
- *Administrative practices* are decisions made about how to run the business. The use of security guards or receptionists to screen people who are entering the workplace and to control access to actual work areas is an example.
- *Behavior/Work practices* include all the things you do while you are doing your job. Receive training in conflict resolution, check credentials of clients, and always let someone know your schedule are examples of good work practices.

Every business should consider courses in nonviolent conflict management for employees in customer service. These courses can give them the verbal de-escalation tools that might prevent a tense situation from getting out of hand. The training will also teach them tactics which will help keep the employee safe, confident, and better able to regain control of the situation. All employees should understand their individual part in combating what might happen in these situations and not consider the issue to be another employee’s problem. Employers must not wait for an incident to happen before doing the right thing for their team. It is not just a question of liability. It is about caring enough for employees who might be subjected to violence and ensuring everything that can be done is being done to protect them.

There is no single prescription for reducing violence in the workplace. Each organization is unique and operates in a different social and economic environment. The ten prescriptions below are based on responses from survey participants and recommendations from experts who guided the research. The suggestions should be modified to best accommodate the unique needs of any organization. (*Fear and Violence in the Workplace: A Survey Documenting the Experience of American Workers*. October 1993. Northwestern National Life Insurance)

#	Prescription	Why/What
1	Foster a supportive, harmonious work environment	Creating a culture of mutual respect can help reduce harassment and hostility in the workplace. Conflict and stress are lower when employees feel empowered to work independently and are motivated to work cooperatively
2	Train supervisors and employees how to resolve conflicts	Conflict on the job can be reduced by developing employees' skills in negotiating, communicating effectively, team building and resolving disputes. Furthermore, programs that encourage respect for diversity can help to lessen interpersonal conflicts
3	Develop effective policies to protect employees from harassment	While all companies strive to build a culture devoid of harassment and discrimination, they can advance this goal by having systems in place to address infractions. A thorough policy defines harassment, specifies how to report it, explains how complaints will be investigated, and presents the consequences
4	Establish procedures for handling grievances	Employees should understand grievance procedures for reporting complaints of unfair treatment, discrimination or harassment; believe those procedures will be followed, and feel confident concerns will be addressed promptly and confidently
5	Provide personal counseling through an employee assistance program	Family, marital, financial and personal issues can have a profound impact on employees' work performance, as well as their social interaction while at work. An employee assistance program provides employees with a free, easily accessible and confidential resource for addressing personal concerns. If a violent or threatening incident occurs at work, support services can be made available to help employees cope with their fears and concerns
6	Implement security programs that protect employees	Employers have a variety of methods for ensuring workers' safety, such as full-time security guards, high-tech monitoring systems, limited access key cards, new employee background screening, and safety awareness training. It is the employer's responsibility to ensure employees are aware of and understand existing security policies and procedures

7	Provide employee safety education programs	In addition to making employees aware of company safety policies and employee support services, employers can provide educational materials and seminars about ways to maximize safety at work.
8	Provide job counseling for employees who have been laid off or fired	A person's job is often closely tied to ones' identity so being laid off can be traumatic. Employee counseling and support services can help former employees develop job-seeking skills, learn how to cope with life changes, and personally and financially prepare them for the future. These services also help existing employees feel the company cares about them.
9	Train supervisors how to recognize signs of a troubled employee	One way to reduce the potential for workplace violence is to intervene before an incident reaches a flash point. Supervisors can be given training on how to recognize signs and symptoms of a potentially violent employee. Supervisors can also be trained on how to be sensitive to signs of possible abuse among employees, such as frequent absences or depression
10	Set up a crisis plan	Employers should develop a crisis plan for dealing with violent incidents. They should also arrange to provide individual crisis counseling and support groups for affected employees soon after an incident occurs

## IV. Legal Issues

### Employer Responsibility

On March 14, 1996, OSHA released the first set of guidelines published by a federal agency addressing workplace violence. The first duty cited under this law is: "Each employer shall furnish to each of his employees employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."

In the area of violence assessment and threat management, this clause has been interpreted as a mandate that requires employers to recognize and intervene to protect their employees from foreseeable acts of violence. Most, if not all states also have their own versions of this act and employers can be subject to citations and fines from their state agencies for negligence in managing the threat of violence or acts of violence in the workplace.

When an incident of workplace violence occurs, an employer could face civil claims from three different parties: the victims, the violators, and even third parties, such as witnesses to the violence. These claims include but are not limited to negligent hiring, negligent retention, wrongful discharge, and failure to warn. Various measures an employer should take to limit potential liability are:



- **Background Checks/References:** Employers should check a job applicant's background as thoroughly as possible. Ask for complete prior employment history, education, and/or military service. Request that applicant provide an explanation for any time gaps between jobs. Speak with previous employers regarding the applicant
- **Criminal Background Check:** Perform a criminal conviction investigation
- **Credit Checks:** A credit report can verify information on a job application.
- **Drug Testing:** A test to determine whether illegal drugs are currently being used

Employers who failed to properly plan for and adequately address violence in the workplace have paid jury awards to victims and their families an average of \$500,000 for out-of-court settlements and an average of \$3 million for cases that go to trial. (Bates, 1993)

In the case of *Mohamud v WM Morrison Supermarkets Plc*, the courts held that an employer was not liable for its employee's actions. In this instance, Mr. Mohamud had frequented a gas station in 2008. He made a request of a kiosk operator. The employee then began to verbally subject the customer to racial abuse and quickly escalated to assault.

Although the case involved an employee abusing a customer, questions were raised about the issues when the reverse is the case. If Mr. Mohamud had instigated the confrontation, to what extent could the employer of the victim be held accountable for the customer's actions? (FootAnstey, 2014)

Several sources cite the responsibility of employers toward the health and safety of employees:

- Under the tort of negligence which imposes an obligation not to breach the duty of care which is owed by an employer to an employee
- As an implied term of the contract of employment
- Under the Health and Safety at Work etc. Act 1974 which sets out that employers are required to provide, as far as reasonably practicable, a safe working environment and to conduct risk assessments
- The Management of Health and Safety at Work Regulations 1999, which imposes further obligations on employers in respect of employee safety. (FootAnstey, 2014)

A credit union may be sued by victims, families, and even members because the victims (or victims' families) perceive that proper policies or procedures were not implemented to deal with disgruntled employees, members, or anyone who commits violence. A

credit union will need to be prepared to deal with possible loss of life, loss of employees, and loss of members. When violence occurs, the sense of safety, security, and stewardship is considered broken.

According to an article in the Credit Union Times from 2015, there are six mistakes credit unions make in regard to active shooter events.

- Robbery training is not Active Shooter training
- A Branch is not the same as a conventional office
- Not having a formal Active Shooter Policy/Program
- Employees awareness (hiding in vault is not an option)
- No active shooter drills
- No strategy for an active shooter event

Now is the time for all credit unions to realize that no matter the asset size this is a topic that may one day affect any of them and their employees. Employees are trained on how to handle robberies, cyber security threats, fire/tornado drills. Credit unions need to ensure they are training on active shooter scenarios. Ask a credit union employee what they are going to do in the event of a robbery and they will tell you step by step what actions to take. Asking the same question about an active shooter should have the same response, but often does not.

### **Privacy**

Every situation is different. When establishing policies, procedures and action plans, employers must understand their employees' rights to privacy. The issue of safety for victims is complex and critical. Programs must have policies to address victim safety and confidentiality.

When considering victim privacy, programs must first be an advocate. The information is the survivor or victim's information. The survivor holds the right to choose when, how, and what personal information will be shared or not shared and with whom.

A program must hold to laws that govern confidentiality and whether there may be exceptions to those laws.

In general:

- The program has a legal obligation to protect the survivor's personally identifiable information.

- The program should not release any information about the victim unless the victim has given clearly informed, written and signed, reasonably time-limited consent.
  - The program may only share the specific information the victim allows in the release.
- When state/territorial/tribal law or court mandate requires the program to disclose or release information about the victim(s), the program may share only the minimum information necessary to meet the statutory or court mandate.
- The program is required to take steps to notify the victim of any disclosure and to continue taking steps to protect the victim's safety and privacy.
- If the credit union or other employer is unsure how laws apply to certain situations, they should consult with local attorneys other experts. Confidentiality and privilege laws vary by jurisdiction. (The Confidentiality Institute and National Network to End Domestic Violence, 2010)

### **Employee Rights**

Employees have the right to expect a work environment that promotes safety from violence, threats, and harassment. They can actively contribute to preventive practices by doing the following:

- Accept and adhere to an employer's preventive policies and practices.
- Become aware of and report violent or threatening behavior by coworkers or other warning signs.
- Follow procedures established by the workplace violence prevention program, including those for reporting incidents

## **V. After the Incident**

### **Counseling and Returning to Work**

Recovering from a violent incident or disaster in the workplace can take months, but having a plan and sources of help prior to an event can make the process smoother. A workplace violence prevention program should take into account that other employees, not just the victim, are affected and will need healing after a violent event—and that healing may come more easily if psychological support is part of an employer's crisis response from the beginning.

Employees' emotional reactions to a violent event in the workplace begins within the first few minutes after the event. Emotional distress is potentially contagious, self-sustaining and self-amplifying. Immediately after the event occurs, employees begin to feel disbelief, denial and shock. In the days and weeks following, they will experience

anger and rage and might withdraw from social events—even if they were not directly physically harmed in the event. Long-term problems can develop if posttraumatic consequences are not managed. In the immediate aftermath of a crime, or other troubling incident, emergency psychological services can offer victims and their co-workers comfort, information, support, and help with practical needs. It can also spot those who appear most troubled by the event and may need more intensive psychological attention in the future. With immediate and effective responses to work-related trauma, most of these long-term problems can be prevented or managed, and the employees and the organization can resume regular activities.

Employee assistance programs (EAPs) can be invaluable in helping organizations recover. While the leadership team is focused on getting the business back up and running, the EAP assists employees and advises management on how to help employees cope.

The overall goals for victims of workplace violence in dealing with their emotional reactions to the traumatic event are the decrease of distressing symptoms, the enhancement of emotional expression, and the assimilation of the traumatic experience.

Information is crucial in controlling emotional distress during a crisis. When people don't know what is happening, they feel helpless and when there is no solid news, rumors—often frightening ones—will fill the gap. Crisis managers need reliable information to make decisions. It is just as important for managers to share the information with the rest of the workplace community as rapidly and honestly as possible. So that false reports and irrational fears do not spread and make the crisis worse.

Employees who receive information about post trauma consequences, especially the normal psychological consequences of exposure to violent incidents, can better manage their feelings and reactions to workplace violence after it happens. The reaction, support, and assistance offered by management and those around them are very important to survivors of workplace violence

Long term psychological support may also be needed by victims and their co-workers after a serious episode of violence. The following passage comes from the U.S. Occupational Safety and Health Administration's guidelines for health and social service workers, but is applicable to employees in all occupations:

“All workplace violence programs should provide comprehensive treatment for victimized employees and employees who may be traumatized by witnessing a workplace violence incident. Injured staff should receive prompt treatment and psychological evaluation whenever an assault takes place, regardless of severity.

Victims of workplace violence suffer a variety of consequences in addition to their actual physical injuries. These include short and long-term psychological trauma, fear of returning to work, changes in relationships with co-workers and family, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers. Consequently, a strong follow-up program for these employees will not only help them to deal with these problems but also to help prepare them to confront or prevent future incidents of violence.

Several types of assistance can be incorporated into the post-incident response: For example, trauma-crisis counseling, critical incident stress debriefing, or employee assistance programs may be provided to assist victims. Certified employee assistance professionals, psychologist, psychiatrists, clinical nurse specialists or social worker could provide this counseling, or the employer can refer staff victims to an outside specialist. In addition an employee counseling service, peer counseling or support groups may be established. In any case, counselors must be well trained and have a good understanding of the issues and consequences of assaults and other aggressive, violent behavior. Appropriate and promptly rendered post-incident debriefings and counseling reduce acute psychological trauma and general stress levels among victims and witnesses. In addition, such counseling educates staff about workplace violence and positively influences workplace and organizational cultural norms to reduce trauma associated with future incidents". (*Guidelines for Preventing Workplace Violence for Health Care and Social Service Workers. 1998*)

## **VI. Recommendations**

Workplace violence is a prevalent and complex problem. While certain high-profile, catastrophic incidents have drawn the attention of the media and the public, numerous events go unreported. Employees who learn about workplace violence, recognize the behaviors of concern, and remember that awareness + action = prevention. If an incident does occur, they should be able to distinguish a hostage taker from an active shooter so they can determine how to behave to increase their chances of survival. Employees have to become stakeholders in their own safety and security and develop a survival mind-set comprised of awareness, preparation and rehearsal. Vigorous prevention programs, timely intervention, and appropriate responses by organizations and their employees will contribute significantly to a safe and secure work environment.

A comprehensive workplace violence prevention policy and program should include emergency procedures in the event of a violent incident in the workplace. This policy should explicitly state how the response team is to be assembled and who is responsible for immediate care of the victim(s), reestablishing work areas and processes, and organizing and carrying out stress-debriefing session with victims, their co-workers, and perhaps the families of victims and co-workers.

Management's most important line of defense in preventing workplace violence is to combine preventive human resource practices with close attention to warning signs that may predict violent behavior. Red flags for stress within the workplace include knowledge of a potential layoff, reductions in force with no reduction in the workload, feeling overlooked in not receiving a desired promotion, etc.

The following are seven useful recommendations to help prevent and resolve conflicts that could emerge within an organization.

1. Adopt and promote a prevention policy against harassment
  - a. Create a prevention policy involving each level of the organization including management and employees
  - b. Make sure information about the new policy is widely distributed, that all employees know the policy and encourage everyone to make it their own
  - c. Put a system in place to record all acts of violence by creating, for example, Incidence Report Form
  - d. Set up procedures to handle complaints impartially, confidentially and quickly. These should include measures to prevent any recurrence of harassment and other types of workplace violence. It is critical to ensure the victim feels safe against retaliation and has the right, if needed, to be represented when interviewed by an independent and qualified investigator.
  - e. Establish measures to support the victims and the alleged perpetrators
2. Establish clear codes of conduct
  - a. Define and communicate a clear code of conduct like "Zero-Tolerance" with respect to moral harassment and other types of workplace violence.
  - b. Make sure all employees know your organization's code of conduct. These measures should reflect your organization's commitment to preventing and responding to external acts of violence
  - c. Try to reduce and even eliminate behavior that conflicts with your code of conduct
3. Organize awareness and training sessions
  - a. Take time to organize and provide access to awareness and training sessions on the prevention of workplace violence
  - b. Open the necessary lines of communication to achieve your prevention objectives
4. Do not allow conflicts to escalate into harassment or acts of violence
  - a. Monitor the training of work teams. Working in teams highlights interpersonal relations and may give rise to some situations that could cause tension among the group



- b. Deal with conflicts swiftly. Harassment and violence stem from unresolved conflicts that fester. They can degenerate and turn the workplace into a hostile environment and create negative occurrences that are violent and costly
- 5. Set up effective lines of communication
  - a. Open effective lines of communication because aggressors thrive on the silence of victims and witnesses. Communication is a key factor in the well-being of employees
  - b. Promote communication and regular meetings of your work teams. Strong lines of communication will not only rally employees against violence, they also reduce the risk of workplace violence by defusing tensions and clarifying situations and misunderstandings.
- 6. Pay special attention to the quality of relationship among members of a work team
  - a. Ensure that work is meaningful for each employee
  - b. Manage work teams to help prevent violent situations. Lead by example:
    - i. Model behavior by being fair and respectful with everyone
    - ii. Encourage employees to be tolerant and open-minded about other's differences
    - iii. Give each person a motivating role
    - iv. Watch for clues that reveal conflicts within the team, such as absenteeism, lagging motivation and performance, and resignations
    - v. Try to be a catalyst and build bridges between people
    - vi. Introduce technology in a well-planned way
    - vii. Develop the ability to intervene quickly when conflict emerges with the team, via discussions and mediation
- 7. Encourage the acceptance of individual differences
  - a. Communicate the idea that the strength of a team resides in individual differences. The differences in each team member makes the strength of the team and enhances the team's performance
  - b. Where possible, plan social or training activities that help team members get to know each other and discover each other's strengths and weaknesses

Substantial additional research, both quantitative and qualitative, should be carried out to clarify the scope and costs of workplace violence and to evaluate and improve violence-prevention strategies. Though a large body of knowledge already exists on workplace violence, much is still to be learned about the true dimensions of the problem and its impact on American society. There also remains much to be learned about how best to prevent violence or mitigate its effects if or when it occurs. Researchers should

continually seek to monitor, evaluate, and refine violence prevention programs, and to the extent possible, determine which strategies appear most effective in decreasing rates of violence. A definitive evaluation will never be possible because there is no way to count incidents that did not happen. Still, with more comprehensive, reliable and detailed data, researchers can develop more sophisticated tools for analyzing what works and what doesn't. Their work, combined with a national effort to promote a workplace free from threats and violence, will benefit all businesses and all Americans. Finally, knowledge, preparedness, and prevention will help to keep our families, friends and neighbors safe both within the workplace and in other venues.

## **VII. Summary and Conclusion**

Workplace violence is an ongoing threat faced by employees and employers in every industry. Credit unions and banks are unique in the workplace in regard to their office structure. The structure of a branch environment can create challenges for employee safety. Branches are designed to have one public entrance. Although employees will have other exits available, there is a possibility that they could be slowed down in an emergency situation by security access measures.

It is important in our industry to differentiate between robbery training and active shooter training. Some robbery training in credit unions now includes a 'hostile takeover' mode so that employees can be trained in their responses in those situations. However, a hostile takeover is not the same as an active shooter. Credit unions must train and practice active shooter scenarios just as regularly as robbery training.

As of 2017 Fortera Credit Union in Clarksville, Tennessee has included active shooter training as part of its quarterly employee training. Fortera begins with the FBI active shooter training video and the Columbine School shooting 911 tapes. The real life 911 call is just as disturbing today as it was the day it happened in April, 1999. The training video goes on to describe strategies and exit plans that could be used to save more lives should an event like that occur again. There is no blame attached to anyone's actions during this event. There is just a pervasive sense of tragedy that many deaths could have been averted had these teachers and students had the benefit of the training that has resulted from events like these. -Sharon

We can no longer say "workplace violence can never happen here" as statistics show it can and probably will occur in some form during our working career. Having our employees properly trained in all aspects of workplace violence is the best thing we can do for them.....Awareness + Action = Prevention.

Duke University has recently begun offering non-violent conflict management classes for all its employees. We also required each of our employees to attend a yearly 'Active Shooter' seminar. After researching all the material for this project, I totally understand and agree with front line staff taking classes in order to equip them with better coping

skills when dealing with difficult members and/or fellow co-workers. I believe our Credit Union will benefit greatly from investing time and money into these type of classes. There is compelling evidence to suggest that employers who take a proactive stance toward problematic behavior will be more successful in deterring workplace violence. Duke University actively values diversity in the workplace and seeks to take advantage of the rich backgrounds and abilities of everyone. Because of all the different backgrounds, Diversity training is important in reminding all of us to respect differences in others—this is part of Awareness + Action = Prevention.

In the unfortunate event a workplace violence incidence does occur, emergency procedures should be in place that not only protect our employees but also instructs them on what their next course of action should be. These procedures should be practiced enough times that the employees can switch to auto pilot and follow them in the event of an emergency. We should teach our employees how to become stakeholders in their own safety by practicing a mindset comprised of awareness, preparation, and rehearsal. - Deborah

In the last several years workplace violence has become a main stream topic due to the increased accessibility of news organizations and the overwhelming presence of social media in our day-to-day lives. It feels like you cannot go one day without hearing or reading about some type of workplace violence, whether it is a disgruntled employee, domestic abuse or active shooter incident.

Unfortunately, due to our need to be “in the know” we will continue to hear more and more about senseless violent incidents. One takeaway from the research we have conducted is, you cannot prevent a workplace violent incident from happening, but you can prepare your employees by giving them the tools and knowledge to survive an incident.

At Acclaim FCU, we currently have annual training for security and robbery, but we have not done any training on active shooter or other workplace violence scenarios. We are updating our security training to include active shooter, domestic dispute and other scenarios. Our training will include roll playing, watching the video from Homeland Security and we will have the staff help us add these scenarios to our disaster recovery plan.

Researching and writing about workplace violence and active shooter incidents was harder than what I thought it would be. In college a roommate and one of her family members threatened my life and I have never quite been the same person since. This project brought back memories which made it hard to work continuously on the research. What I personally experienced is just a tiny fraction of the pain, confusion, and anxiety in which a workplace/domestic violence, active shooter/mass shooting victim has experienced. The survivors of these incidents have my respect and my sympathy. - Jill

When we decided as group on what our white paper topic would be, I begin to think about, what is it our credit union needs to improve on or on which to become more informed? In the process of doing the research, I reached out to our Senior Management team as well as our Training department, stressing the need to have some type of Active shooter training. Well, in April of 2018, Neighbors Federal Credit Union will have their first Active Shooter Preparedness Training. This training will teach our Senior Manager, VP's and Front line Mangers how to prepare if the need arises. Later in the year, we hope to have all of our employees trained and will begin to have annual training going forward. - Yolanda

## **VIII. Additional Resources**

RUN. HIDE. FIGHT.® Surviving an Active Shooter Event - English

<https://www.youtube.com/watch?v=5VcSwejU2D0>

Real Active Shooter Caught on Camera Teaches Important Lessons for Us All | Active Self Protection <https://www.youtube.com/watch?v=PCOxNbgyRtE>

U.S. Department of Justice Federal Bureau of Investigation – Workplace Violence: Issues in Response <https://www.fbi.gov/file-repository/stats-services-publications-workplace-violence-workplace-violence>

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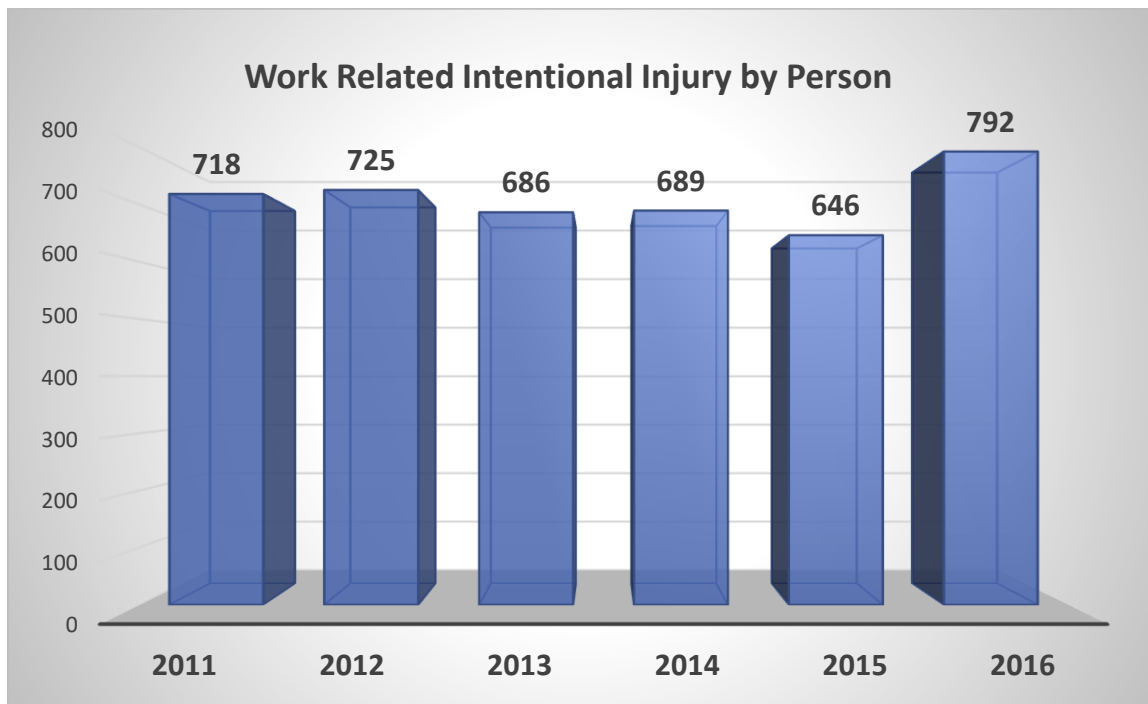
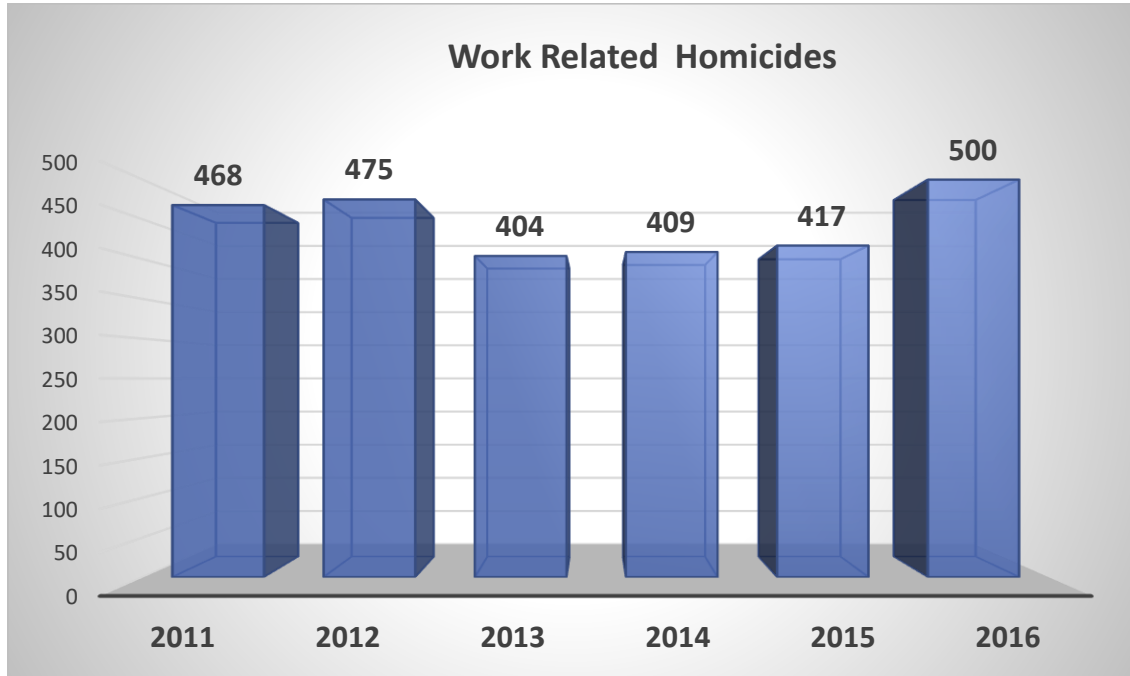
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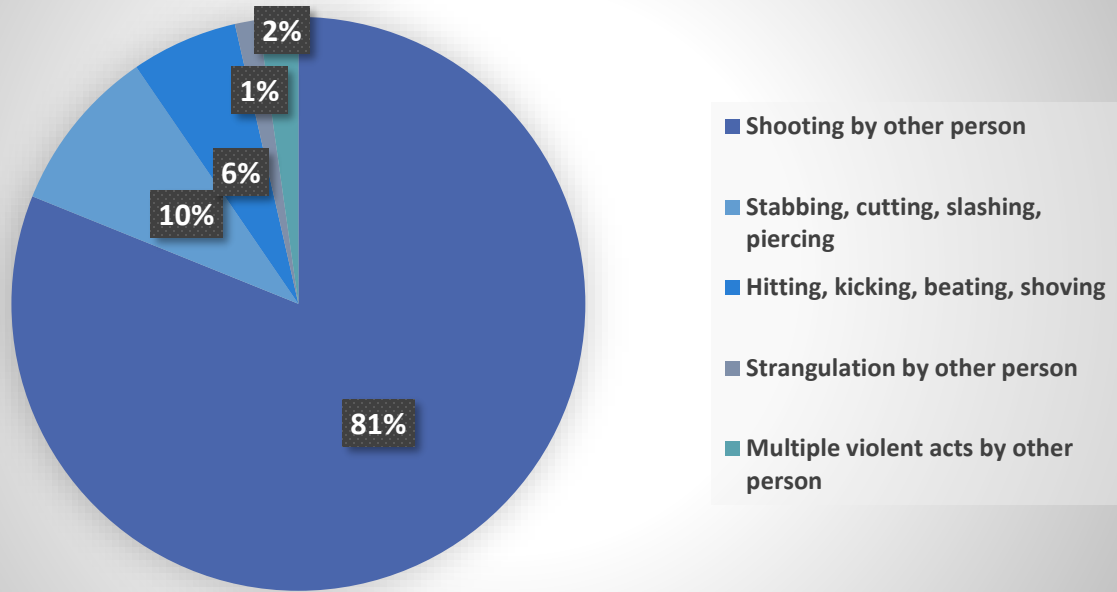


## Appendix

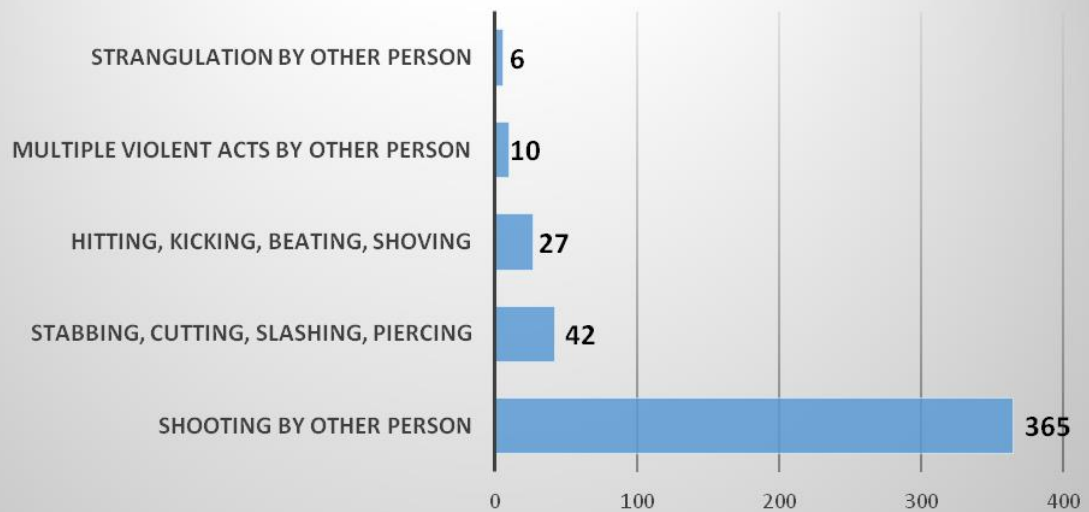
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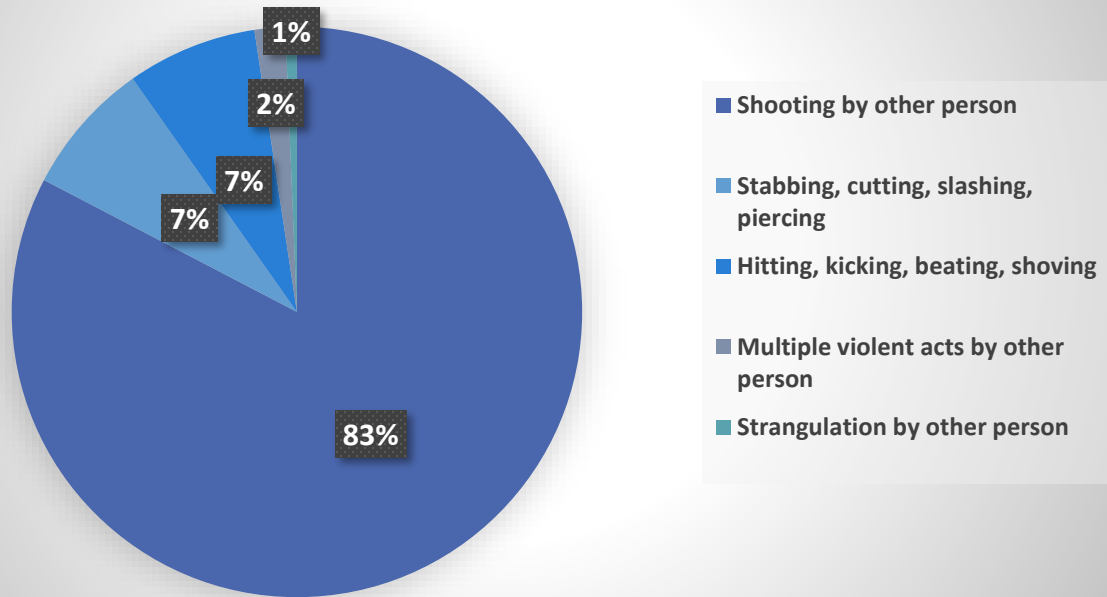
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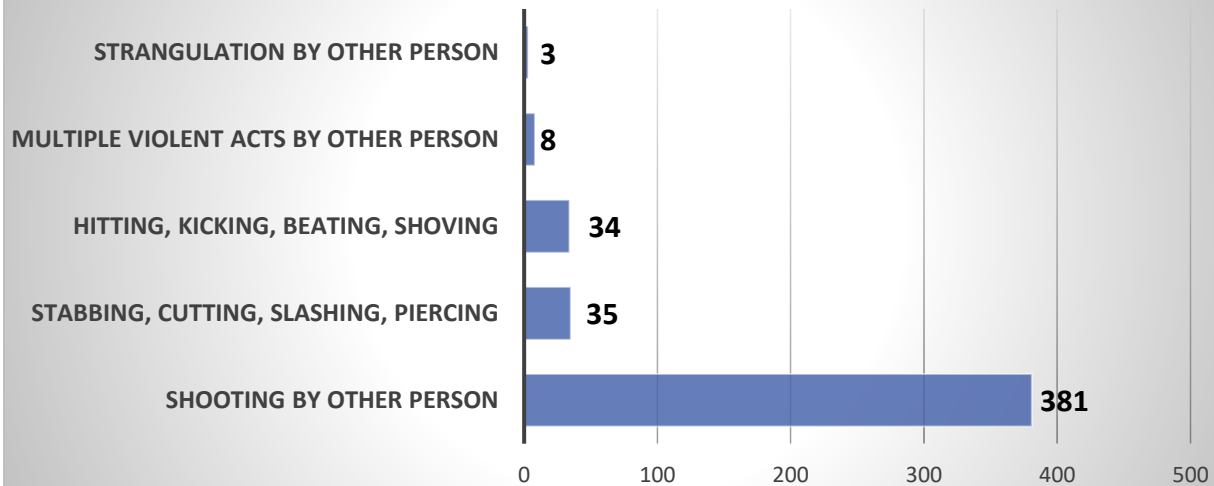
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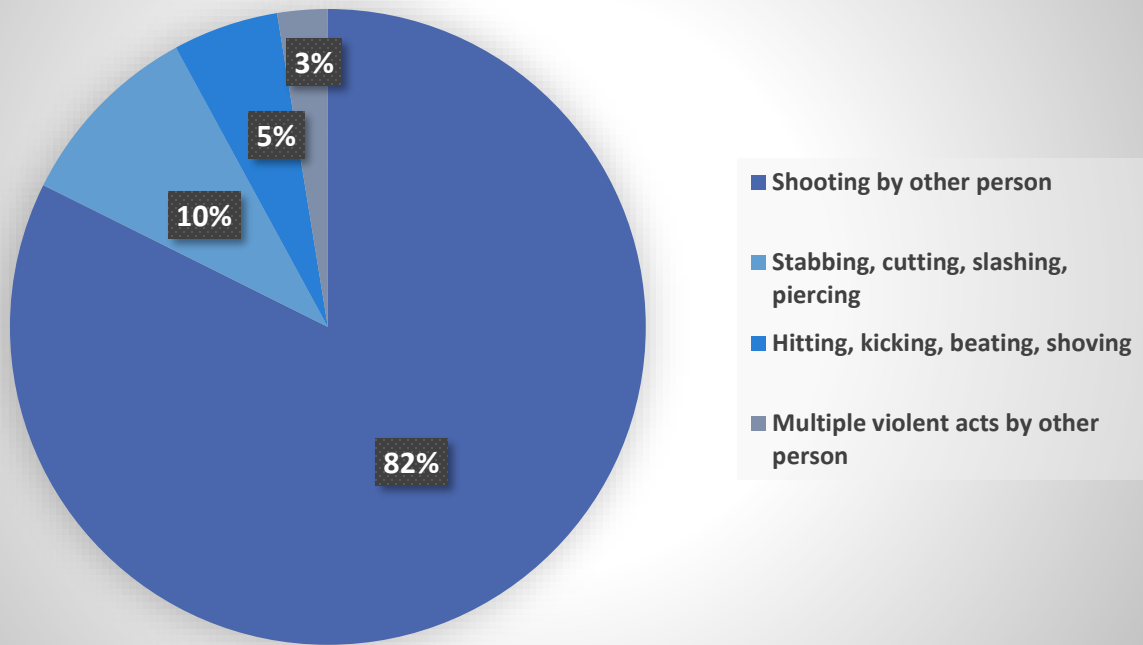
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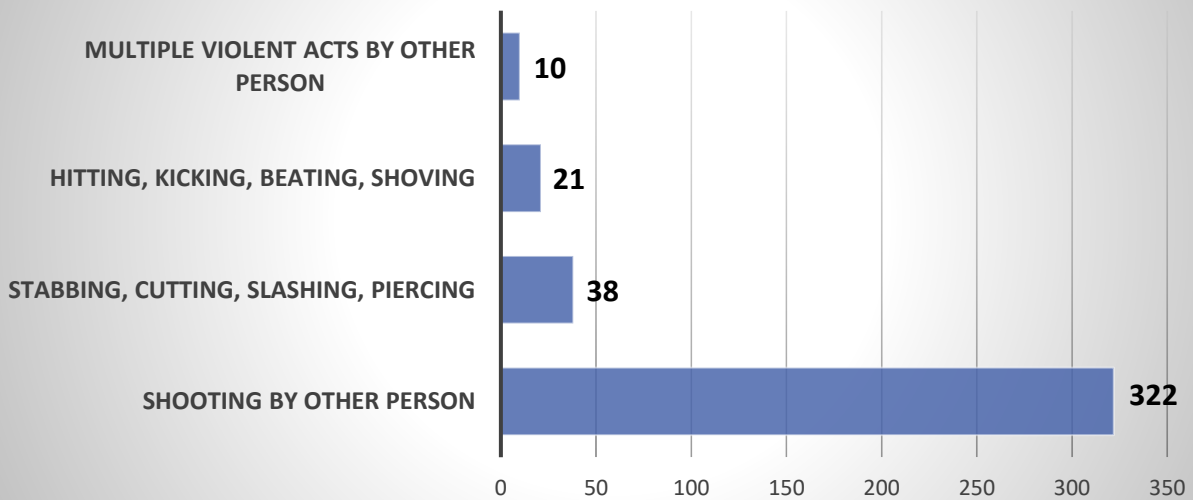
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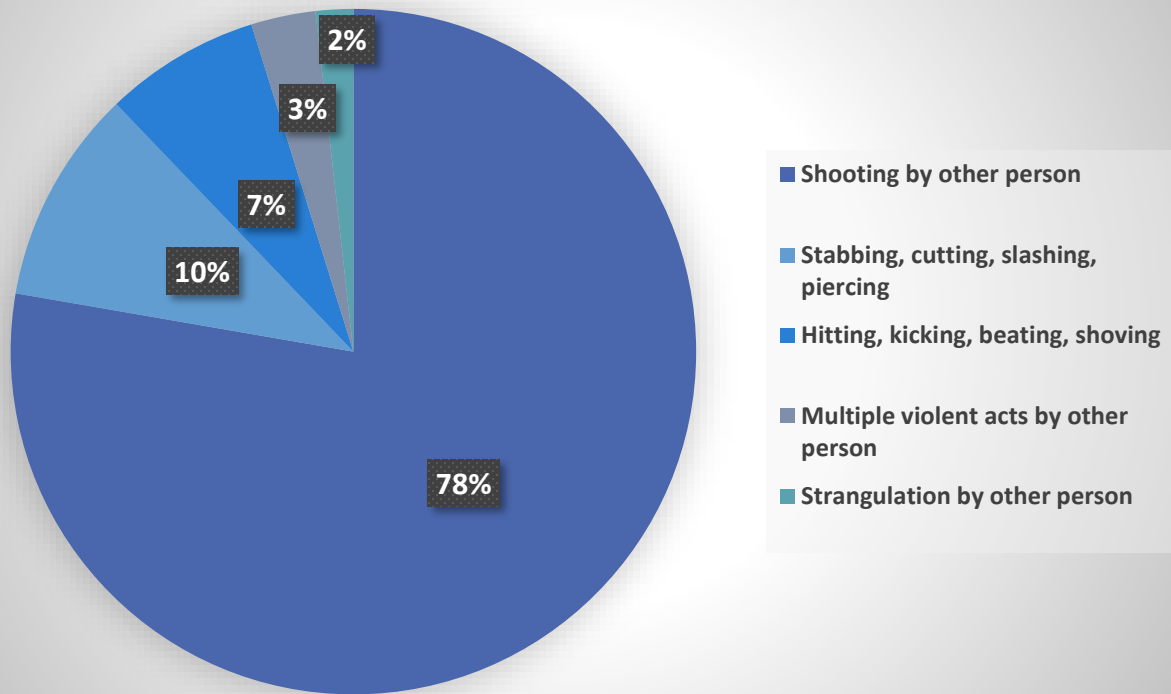
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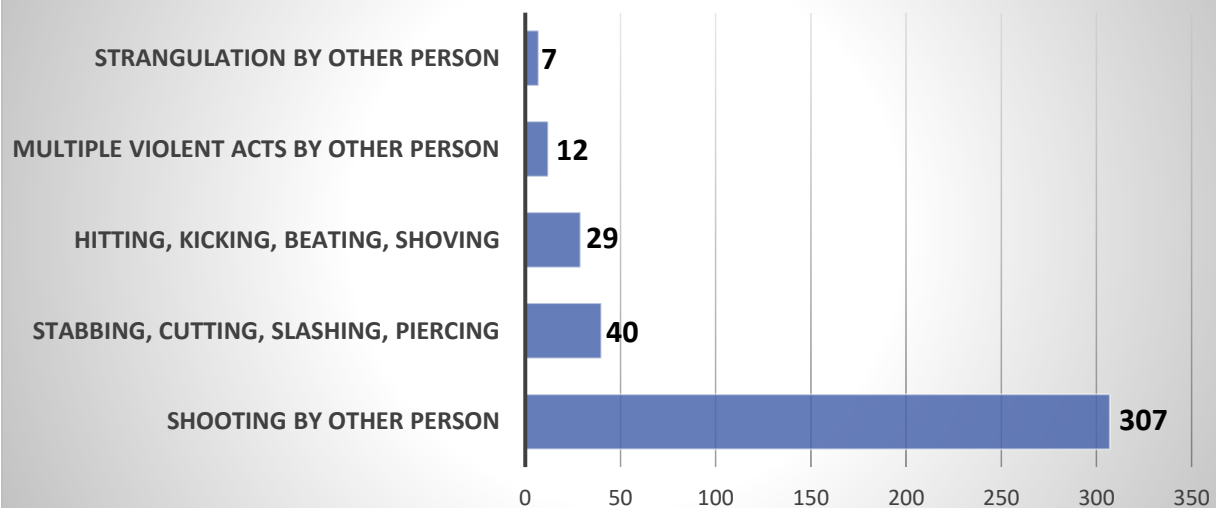
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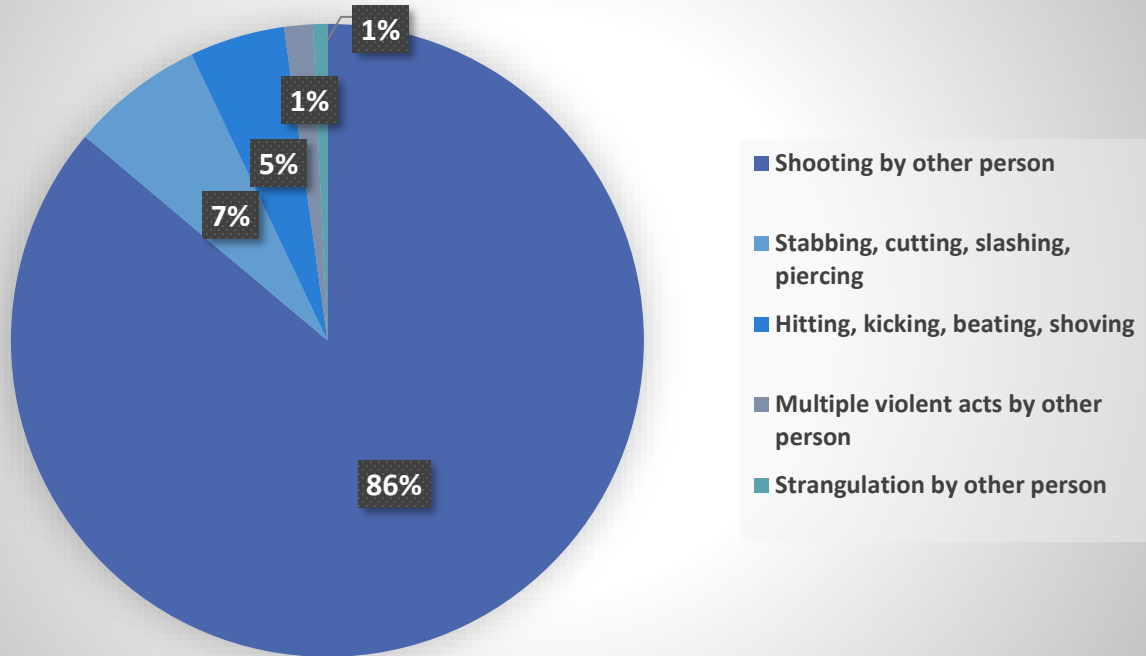
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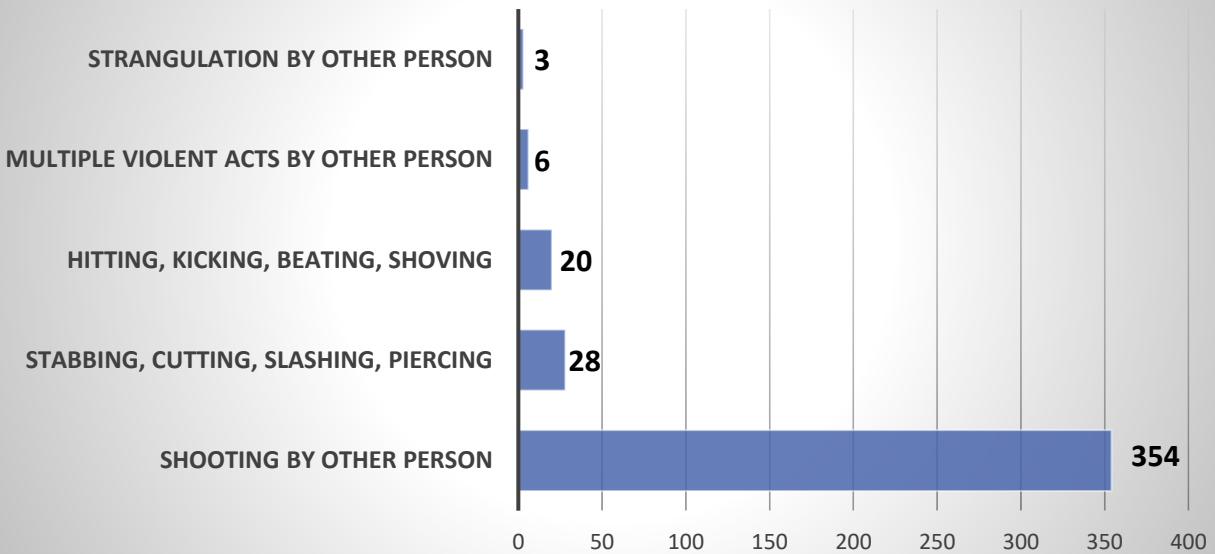
**2014 Work Related Violent Incident by Event Type**



2015 Work Related Violent Incident by Event Type

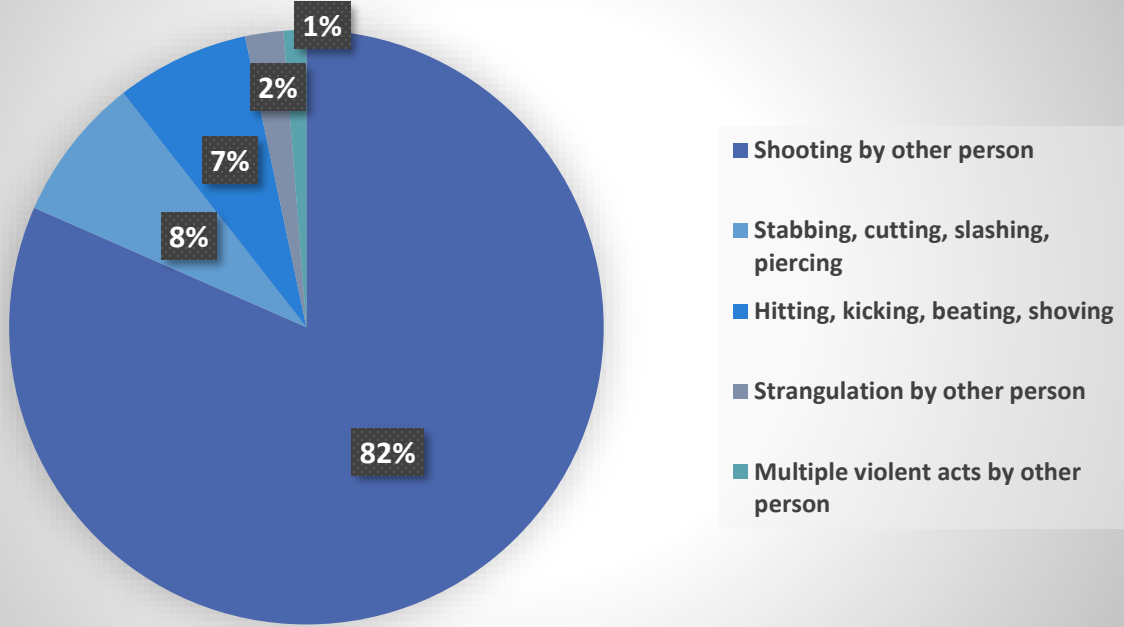


2015 Work Related Violent Incident by Event Type

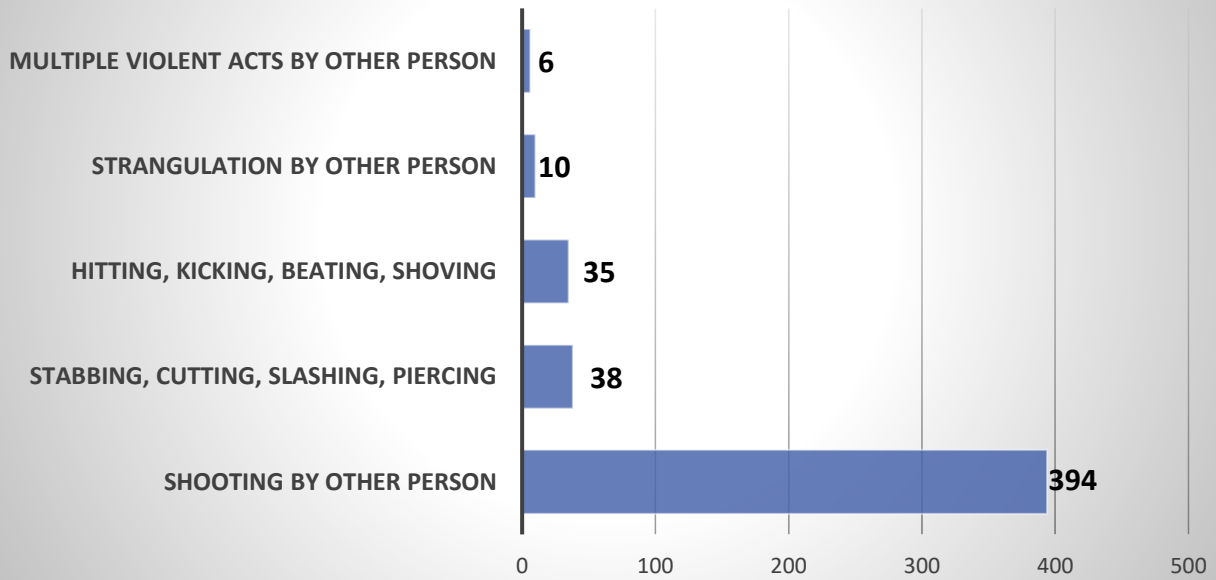




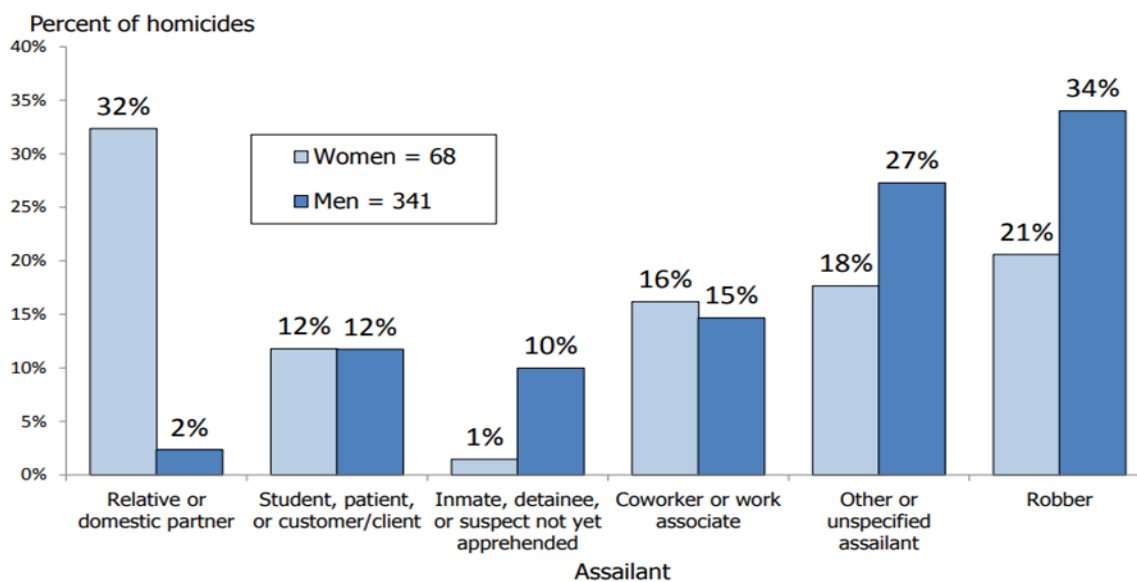
2016 Work Related Violent Incident by Event Type



2016 Work Related Violent Incident by Event Type

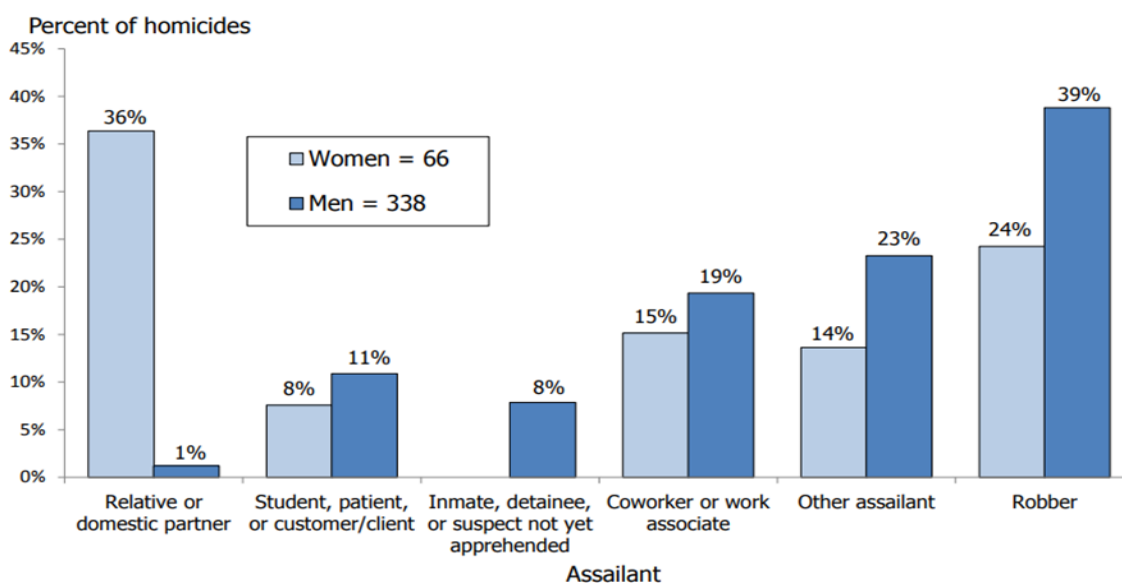


### Work-related homicides by gender of decedent and assailant type, 2014



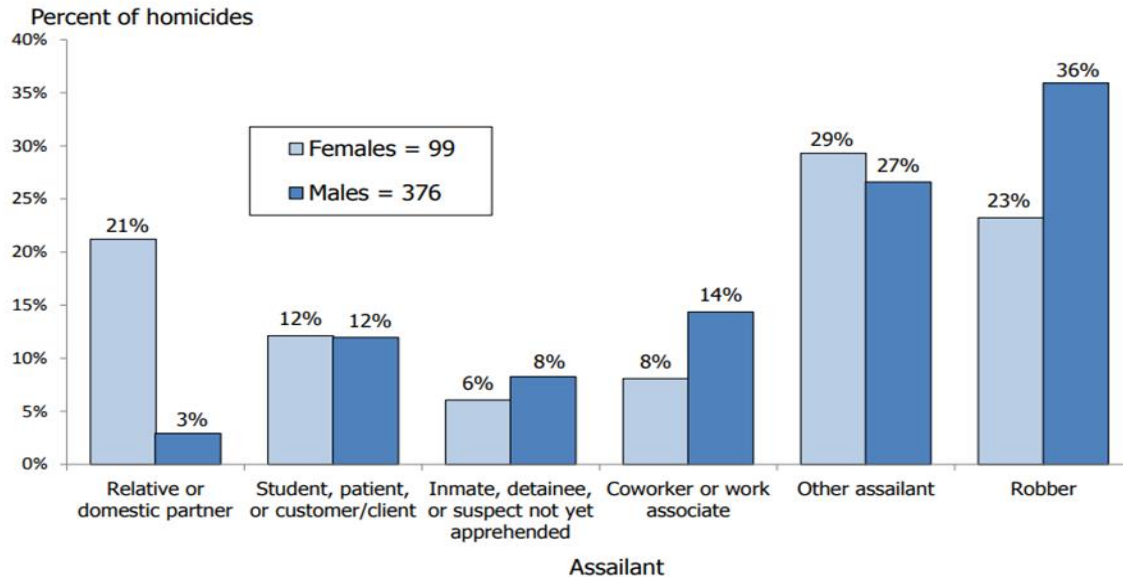
Robbers were the most common type of work-related homicide assailant for men and the second-most common for women. The most frequent type of assailant in work-related homicides involving women was a relative or domestic partner.

### Work-related homicides, by gender of decedent and assailant type, 2013



Robbers were the most common type of work-related homicide assailant for men and the second-most common for women. The most frequent type of assailant in work-related homicides involving women was a relative or domestic partner.

## Work-related homicides, by gender of decedent and assailant type, 2012

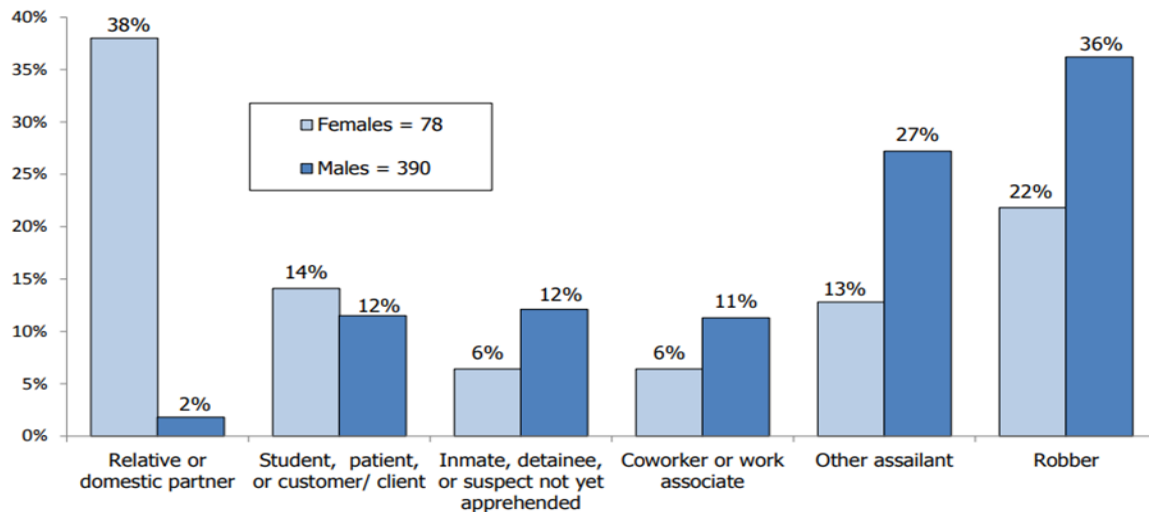


Robbers were the most common type of work-related homicide assailant for men and the second-most common for women.

Note: Reference year 2011 constitutes a series break from earlier years for event and source data. For more information, see [https://www.bls.gov/iif/osh\\_notice11.htm](https://www.bls.gov/iif/osh_notice11.htm). Percentages may not add to 100 due to rounding. Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2014.

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## Work-related homicides by gender of decedent and assailant type, 2011



For women, assailants were most likely to be relatives. Of these, nearly all were spouses or domestic partners. Robbers were the most common type of work-related homicide assailant for men and the second-most common for women.

NOTE: Event data for 2011 are not comparable to prior years due to the implementation of the revised Occupational Injury and Illness Classification System (OIICS) 2.01. See [https://www.bls.gov/iif/osh\\_notice11.htm](https://www.bls.gov/iif/osh_notice11.htm). Percentages may not add to 100 due to rounding.

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Number and Lifetime Costs of Fatal Assaults in the Workplace, U.S. 2003-2010

Year	2003	2004	2005	2006	2007	2008	2009	2010
Fatal Assaults	892	798	781	782	850	795	812	810
Lifetime Costs	\$936,075	\$869,794	\$853,503	\$903,324	\$894,226	\$832,008	\$879,296	\$875,467

Number and Lifetime Costs of Fatal Assaults in the Workplace by Sex, U.S. 2003-2010

Sex	# Of Fatal Assaults	Lifetime costs	Mean Costs
Male	7,021	\$7,126,383	\$1,015
Female	160	\$168,001	\$1,050

Number and Lifetime Costs of Fatal Assaults by Age

Age	# of Fatal Assaults	Total Costs
16-19	110	\$95,757
20-24	434	\$468,522
25-34	1,210	\$1,551,814
35-44	1,569	\$2,210,228
45-54	1,652	\$1,917,279
55-64	1,025	\$719,816
65+	520	\$80,275

Number and Lifetime Cost of Fatal Assaults by Industry Division, U.S. 2003-2010

Occupation	# of Fatal Assaults	Total Costs
Construction	302	\$395,784
Educational & Health Services	377	\$473,843
Financial Activities	368	\$423,103
Information	66	\$87,257
Leisure and Hospitality	982	\$946,932
Manufacturing	311	\$361,122
Natural Resources and Mining	400	\$358,748
Other Services (except public administration)	474	\$517,134
Professional and Business Services	448	\$512,484
Public Administration	623	\$943,109
Trade, Transportation, and Utilities	2,162	\$1,997,583