

Workplace Violence – Is Not Lightning Out of the Blue

As a Human Resources consultant I am often invited to investigate workplace misconduct, including incidents of violence or threats of violence. Based on this limited anecdotal experience I developed a working theory – workplace violence does not strike like lightning out of the blue. There are usually precursors of some kind followed by action. Often the precursor can be something as obvious as a disrespectful work environment which has been regretfully tolerated. Eventually the lid blows off and, more often than not, fisticuffs are the result.

Does this theory hold true? To analyze this question we begin with accurate statistical data that goes well beyond my personal anecdotal observations. My research led me to a Special Report on the subject of *Workplace Violence 1993-2009* published by the U.S. Department of Justice, Bureau of Justice Statistics (BJS).¹ While this data is several years old, the length of the study provides reliable empirical data to help us analyze this question. Ultimately when we view our workplace and its potential for workplace violence we are conducting a risk assessment. What is the threat? Is it real? What should or can we do about it?

The BJS report provides statistics for all reported crime in the workplace. This includes crimes committed by strangers such as robbery in public business establishments. This is an important distinction to recognize because most crimes committed by strangers visiting a workplace will be reported while many crimes committed between coworkers, such as common battery, will not be. What happens at work often stays at work.

This discussion focuses on internal workplace violence or violence from within. Accordingly, we need to exclude from our analysis that data focused on “outside” crimes committed by “strangers.” Except for some general trend statistics provided here initially, specific references to the BJS statistical data will exclude “stranger” related violence. Here is a summary of the relevant data followed with some brief commentary:

- From 2002 to 2009, the rate of nonfatal workplace violence has declined by 35%, following a previous 62% decline in the rate from 1993 to 2002.

This certainly tells us that business owners and managers have been diligent in their efforts to reduce violence in the work place. If you are one of those business owners or managers you deserve a medal!

- The average annual rate of workplace violence between 2005 and 2009 was about one-third the rate of non-workplace violence and violence against persons not employed.

¹ Erika Harrell, Ph.D.; March 2011; NCJ 233231

You are statistically safer at work. Maybe we should sleep there too?

- Strangers committed the greatest proportion of nonfatal workplace violence against males (53%) and females (41%) between 2005 and 2009.

This tells us that the balance of the workplace violence incidents is committed by coworkers, friends and/or acquaintances.

- Simple assault accounted for almost 80% of workplace violence compared to 62% of non-workplace violence.

We are talking about punching, fighting or throwing things. We spend one-third of our day at work which can breed familiarity and sometimes contempt. We learn how to push each other's "buttons" and do so effectively. These circumstances suggest a general policy forbidding weapons in the workplace would be wise. The last thing you want in a heated confrontation between employees is ready access to weapons to escalate the matter.

- From 2005 through 2009, 39% of the reported workplace violence incidents involving male victims were perpetrated by well-known casual acquaintances (13%) or those with working relationships (26%). 20% were documented to have been committed by current or former employees.

Predominantly we are talking about altercations with coworkers. I believe that actively fostering a more respectful workplace would reduce these numbers. Saying it another way, tolerating disrespectful behavior or language by members of the work force fosters hostility.

- From 2005 through 2009, 53% of the reported workplace violence incidents involving female victims were perpetrated by well-known casual acquaintances (21%) or those with working relationships (32%). 19% were documented to have been committed by current or former employees.

Please note that the "work relationship" numbers are higher here when compared to males due to a greater number of incidents involving customer/client (6.5%) or patient care type relationships (6.0%).

- Only 42% of workplace assaults were reported to the police.

The primary reasons given for not reporting assault type incidents to law enforcement are; (1) it was reported to another official (38%); (2) it was a personal matter (22%) or (3) it was not considered important enough (24%).

- Between 2005 and 2009, 21.4% of workplace homicides involved coworkers, former coworkers or work associates such as customers or clients. Another 8.3% included relatives or outside personal acquaintances such as boyfriends or girlfriends. To help you put this in perspective, the 2009 data shows 521 homicide victims in the workplace. Using the above percentages,

approximately 30% (171) of these 2009 homicides were committed by work associates, relatives or personal acquaintances.

Although a handful of high profile incidents have led to increased public awareness, such homicides are relatively rare. However, nonfatal workplace violence is a much more common phenomenon than previously believed. To give you a statistical frame of reference, approximately 400 persons are struck by lightning in the United States each year. This is a low number -- and it is low for a good reason. When there is lightning around people recognize the risk and find a safe place.

Now that we have examined the broad statistical data to help us evaluate the “risk”, we need to take a close look at specific incidents to see if we can develop an observable pattern. We need to understand how things happen to gain knowledge how they may be prevented.

Let’s review some representative samples of approximately 80 recorded workplace violence incidents identified for the year 2012² along with the lessons learned:

Jan. – Rancho Cordova, CA

One of 18 recently laid off park employee ambushed his supervisor when the supervisor arrived at work in his vehicle.

The employee had filed a complaint in 2009 alleging racial discrimination against this supervisor which was later dismissed. There were also reports of death threats by the perpetrator shortly after the layoff occurred.

*Animosity between this employee and his supervisor had been festering over a period of almost **three** years until the lid blew. The problem should have been addressed in many ways before it reached the boiling point. Workplaces are like major intersections. People know they can always find you there at some point in time.*

Jan. – Star, NC

A disgruntled employee of a lumber company walked into the company warehouse and began shooting at coworkers leaving three killed and one injured. A letter left by the shooter indicated he felt he was being picked on by Hispanic coworkers and believed their laughing and comments in Spanish were directed at him. There were some indications of paranoia.

The news media accounts suggest that this employee was disconnected and isolated at work. In other words he did not fit it. It is unclear if there were prior observable indications of paranoia. What’s the takeaway here? If you see someone unhappy and maladjusted in the work environment you need to take an interest and ask questions to examine the situation more closely.

Jan. – Bryant, AK

² Data is collected by the Center for Personal Protection and Safety. News media accounts were then reviewed for more detailed information.

The victim, an employee of a hospice care center, filed a restraining order against her ex-boyfriend, and was later found shot to death in her vehicle in the parking lot of her workplace. The perpetrator had brandished a weapon toward the victim in a previous incident.

Employees need to be encouraged to present personal risk issues to management. Yet, understandably, employees are reluctant to bring their personal matters into the workplace. This gap needs to be bridged. We also need to remember that a “protective” order or “restraining” order is a tool – not actual protection. If an individual were thinking and behaving in a law abiding and respectful manner there would be no need for a protective order. Accordingly, obtaining a protective order against someone who is a perceived threat is not particularly comforting because it assumes that the individual, who has already shown the propensity to violate the law, will choose to comply with a protective order. It can create a false sense of security.

However, it is a tool. If a potential threatening person has been ordered to stay a specified distance away from an employee then people need to know to be on the lookout for that potential threat. If a legally restrained individual is observed in the company parking lot in violation of a restraining order the time to take action is now – not later. The tool is one of prevention and local law enforcement can use it. Had the restrained ex-boyfriend been spotted in the parking lot, by someone in the know and in the loop prior to this incident, one could easily expect a better outcome.

Mar. – Philadelphia, PA

A woman had obtained a restraining order against her potentially threatening estranged husband. Despite the restraining order she agreed to meet with her estranged husband in front of her employer’s convenience store at the beginning of her shift. The husband stabbed the woman/employee multiple times killing her.

The deceased apparently believed the meeting would be safer in front of her workplace where others might be around. It goes without saying that meeting with a person subject to a restraining order defeats the entire purpose. This is an example how domestic violence can be imported into the workplace. Encouraging employees to communicate potential threats can also provide a means of support so these mistakes are not made.

Sept. – Nashville, TN

Amal, a female employee at a Dell Computer plant, allegedly commented to a coworker that the plant was full of “unbelievers” and that she was prepared to die for Allah and should shoot them. The coworker promptly reported the conversation to supervisors with the company and action was immediately taken. Amal was charged with making terroristic threats. No weapons were found to show a planned attack.

This was an excellent employer response. This falls under the category of, “an ounce of prevention.”

Oct. – North Richland Hills, TX

The gunman was a former disgruntled cook at a Chinese restaurant. The cook had quit his job almost a year prior. He entered the kitchen during business hours through an unlocked back door and shot two coworkers who he had previously fought with. He left other employees in the in the kitchen untouched and left.

It is interesting how long many of these incidents fester before action is taken. While it is hard to be at constant "on-guard" for disgruntled employees for such lengthy periods of time, basic security measures, such as number locking rear entrances to limit access, should be the standard. Had the rear access been restricted, this perpetrator would have had to walk through a restaurant full of patrons. Although somewhat speculative, this likely would have discouraged the attack – at least at this point in time.

Oct. – Casselberry, FL

An estranged boyfriend began exhibiting signs of increasing violence. On October 5th he arrived at this ex-girlfriend's hair salon brandishing a tire iron and making threats. A restraining order was requested and served. On the day set for the hearing on the restraining order the perpetrator, using a stolen weapon, appeared at the hair salon and shot everyone inside killing 3 and seriously injuring another. The victims included the estranged girlfriend, an employee and several customers.

We know we are dealing with a known threat – hence the restraining order. To further complicate matters we have an active storefront business requiring easy customer access. This makes it more difficult to defend.

We talked earlier about the workplace being a "major intersection" for contact. Well the courthouse can be as well. A court date brings people in conflict to the same place at the same time. Courts know this – this is why most courts implement significant security measures. However, once the antagonists leave the court house they remain in close proximity. Increase your vigilance at the time of these "intersections".

Recognize that all of these situations were over in minutes. This means it is really up to you. Awareness + action plan = prevention³.

Do you have a firearm policy and, if so, what should it be?

I read about "zero" tolerance policies and can only cringe. There is no such thing as "absolutes" in the real world. Real life trumps such policies. Policies that use words like "never", "always" and "zero" deny reality. We are talking about people – there is no policy that can cover every potential situation that may arise. Such inflexible policies can lead to irrational results.

As a general principle, firearms readily in the workplace are a bad idea. The number of incidents of assault/battery in the workplace is quite high while the number of shooting incidents is quite low.

³ *Workplace Violence Prevention, Readiness and Response*. FBI law Enforcement Bulletin, January 2011; Stephen Romano, Micol Levi-Minzi, Eugene Rugala and Vincent Van Hasselt.

Having firearms available when tempers are high is generally not a good thing. You may also consider restricting other types of weapons, such as knives. However, in doing so, please keep in mind that most workplaces are full of “weapons.” This includes scissors, knives, screw drivers, box-cutters and a multitude of various tools just to name a few. However, because personal knives are often worn on belts they may be too readily available in the heat of the moment. Consider restricting knives to blade lengths of 3” or less.

There will be exceptions that require further consideration. One such exception is when you discover your workplace has become a potential “intersection” of violence. You see storm clouds on the horizon and, like we do with lightning, you should seek safety. The preventive measures you take must be evaluated on a case by case basis because there are so many variables involved. There may be many preventative choices you can make to enhance employee and personal safety. However, a “gun-free zone policy” may not be the wisest of decisions. If you are fortunate to have an employee well versed and well trained in the use of firearms, this is a consideration that should be made.

About the Author

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Richard brings with him 20 years of trial experience representing the California Department of Transportation and its engineers; three years in the legal field of environmental remediation; nine years of criminal investigation experience; and, two years conducting investigations for the Alaska State Commission for Human Rights.

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