

# Labor & Employment

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## RECOMMENDATIONS FOR MINIMIZING AND/OR AVOIDING WORKPLACE VIOLENCE

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### **Two Policies to Tailor to Your Company's Needs**

Often, employers believe that violence cannot happen in their workplace and, furthermore, that violence cannot be prevented. However, as incidents of workplace violence increase exponentially, employers are beginning to realize that, while violence could occur at their company, there are a number of things that can be done to minimize or avoid it.

#### **The Problem**

As companies become leaner and more competitive, employees are often required to do more work in less time. Some of these employees may also be dealing with personal issues that add to their stress, such as divorce, illness, economic problems, drug or alcohol addiction, or caring for elderly parents or troubled teens.

Companies need to be proactive in attempting to minimize and/or avoid workplace violence. Some of the recommended steps are as follows:

#### **Screening New Employees**

Conduct background checks on all new employees. Make sure that your job applications request full and complete information about an applicant's prior employment. Make sure that all references are checked and a criminal background check is done. Consider instituting a post offer, pre-hire drug and alcohol test.

#### **Current Employees – Respect and Strong Communication are Key**

Train your managers and supervisors to treat all employees with respect and to discipline employees in a fair, consistent, and appropriate manner. There is no place in the workforce for managers who are insulting or demeaning, or who criticize employees

in front of peers. Train managers and supervisors to handle issues appropriately as they arise, rather than allowing problems to fester until they get serious.

### **Sample Open Door Policy**

Institute an Open Door Policy that allows employees to discuss their issues and problems with someone in Human Resources or Management. A sample Open Door Policy is as follows:

The company encourages all employees, regardless of position, to discuss their problems and concerns with management. If you have a concern at work, we will review the concern with you and attempt to resolve it according to the following procedure:

1. Explain your problem or concern to your manager. Generally, your manager should be able to resolve the issue.
2. Your problem may be such that you prefer to discuss it with a member of Human Resources. Always feel free to do so. It is the policy of our company that all employee suggestions and complaints shall be given consideration. There will be no discrimination or retaliation against any employee because that employee has presented a complaint or problem.

The company is committed to this Open Door Policy and is confident that it will work to resolve your problem or concern.

This policy can and should be tailored to your company's own needs and structure.

### **Sample Violence in the Workplace Policy**

Adopt and publish a Violence in the Workplace Policy which states that the company will not tolerate violence, provides a procedure for reporting violence, and asks each employee to report any violent or potentially violent situation. A sample Violence in the Workplace Policy is as follows:

Our company is committed to providing a safe environment for its employees, customers, and visitors. In order to provide a safe workplace, we require:

#### **Zero Tolerance for Violence**

"Violence" is defined to include physically harming another in any way; shoving or pushing; physical intimidation or coercion; brandishing weapons; and/or threatening or talking of violence toward another. Any display or threat of violence in the workplace may subject the employee to disciplinary action up to and including immediate termination.

### Zero Tolerance for Weapons

Weapons of any kind, including but not limited to, guns, brass knuckles, knives, clubs, or any other object that is intended to be used as a weapon is prohibited and not permitted on company premises. Possession of a weapon on company property, regardless of whether the employee obtained a permit to carry such a weapon, will subject the employee to disciplinary action up to and including immediate termination.

### Reporting Potential Problems

It is each employee's responsibility to prevent violence in the workplace. Employees can help by reporting to management their observations in the workplace. In keeping with our "Open Door Policy," we urge immediate reporting of any violent or potentially violent activity. All incidents will be thoroughly investigated and appropriate action taken. In the event of a violent incident, follow company procedures regarding emergency situations to ensure the safety of co-workers, customers and visitors.

This policy can and should be tailored to your company's own needs and structure.

### Take Action

If an incident regarding workplace violence is reported, management must investigate much as they would with a complaint of harassment. This investigation should include interviews with all individuals who may have information regarding the incident. At the conclusion of the investigation, appropriate action should be taken.

### Establish a Response Team Well Before any Incident

This team should include a representative from Human Resources, management, security, legal counsel, and a trained mediator, and/or crisis counselor, who will work together to devise a training program and an effective plan for your organization. The team should review the company's security policies, determine and publish escape routes, and educate and train supervisors, managers, and employees on the warning signs of potential violence and appropriate action should it occur. The team should identify the individuals responsible for notifying the authorities, evacuating the premises, and dealing with the media. This team would also be trained and have primary responsibility for investigating threats of violence, assessing the risk, as well as determining appropriate action.

### Conclusion

Companies can reduce the possibility that violent incidents will occur at their workplace by:

(1) Adopting an Open Door Policy that encourages employees to discuss their concerns and problems with Management and to work toward an acceptable solution.

(2) Adopting a Violence in the Workplace Policy that provides a procedure for all employees to report violent or potentially violent situations so that they can be addressed immediately.

(3) Training supervisors and managers to treat all employees with respect; discipline them in a fair, consistent, and appropriate manner; and to address issues in a timely manner as they arise.

NOTE: This document is a general outline and does not constitute legal advice for any specific matter. Recent developments may affect the content of this outline. Citations are to where the Act begins in the code. Also, MANY OF THE LAWS CITED IN THIS REFERENCE GUIDE HAVE SPECIFIC POSTING AND RECORD-KEEPING REQUIREMENTS.

The Recommendations for Minimizing and/or Avoiding Workplace Violence article was prepared by The Labor & Employment Practice Group and distributed by the firm of Plunkett & Cooney, P.C. Any questions or comments concerning the matters reported may be addressed to Ms. Theresa Smith Lloyd at (248) 901-4005.

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