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**LABOR &
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SEMINAR



Friday, October 4, 2002

WORKPLACE SECURITY

In a Post 9/11 World

By

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Ripped from the Headlines

Massachusetts Gunman Slays Seven Co-workers

WAKEFIELD, Mass. – A software engineer shot and killed seven of his co-workers yesterday after learning

Employee Murders Seven Co-workers in Honolulu

40-year Chicago Employee Kills Four, Self, Wounds Four Others

Tampa Hotel Worker Kills Five in Shooting Spree

**Since 1987, Workplace Violence
Has Increased by 300%**



Since 1987, Workplace Violence Has Increased by 300%

- **20 Workplace Homicides Every Week**
- **18,000 Physical Assaults Every Week**
- **Countless Threats of Violence/Harassment**

THE BOTTOM LINE

- **Workplace Violence Costs You Money!!!**



THE BOTTOM LINE

- **Workplace Violence Costs You Money!!!**
 - **Missed Work Days**
 - **Injuries**
 - **Lost Wages**
- **Up To \$5 Billion Lost Each Year**

TIPS FOR THE SAVVY HR PRO

Every Employer Should Develop a

ZERO TOLERANCE

Workplace Violence Policy

Developing and Maintaining A Zero Tolerance Violence Policy



Developing and Maintaining A Zero Tolerance Violence Policy

- **Your Workplace Violence Policy Should Include:**
 - **Statement of Purpose**
 - **Encouragement for Employees to Come Forward and Discuss Concerns**

Developing and Maintaining A Zero Tolerance Violence Policy

- **Your Workplace Violence Policy Should Include:**
 - **An Unequivocal Statement of ZERO TOLERANCE for Violence, Intimidation and Threats**
 - **This Includes Jokes, Horseplay, Sarcasm and Figures of Speech**

Developing and Maintaining A Zero Tolerance Violence Policy

- **Your Workplace Violence Policy Should Include:**
 - **Notification That In the Event of a Report of Violence or Threat, The Employer Will Conduct An**

Immediate Investigation

Developing and Maintaining A Zero Tolerance Violence Policy

- **Investigation Could Include:**
 - **Background/Criminal History Check**
 - **Weapons Ownership Check**
 - **Search of Work Area, Locker, Desk, Purse, Bag or Other Personal Effects.**
 - **Meeting With Counselor/Doctor**

Developing and Maintaining A Zero Tolerance Violence Policy

- **Your Workplace Violence Policy Should Include:**
 - **Notification that Verification of a Report of Violence or Threat Will Result In Discipline Up To and Including Termination**

Developing and Maintaining A Zero Tolerance Violence Policy

- **Your Workplace Violence Policy Should Include:**
 - **Notification That ALL Threats Will Be Taken Seriously**
 - **Notification that Lack of Intent Will NOT Spare Discipline**

Developing and Maintaining A Zero Tolerance Violence Policy

POLICY ENFORCEMENT

CONSISTENCY

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Developing and Maintaining A Zero Tolerance Violence Policy

POLICY ENFORCEMENT

**There Is Potential For Liability for Disparate
Enforcement**

Your Obligation to Provide A Safe Workplace



Your Obligation to Provide A Safe Workplace

- **Negligence Claims**
 - **Hiring**
 - **Supervision**
 - **Retention**

Your Obligation to Provide A Safe Workplace

- **Premises Liability – Adequate Security**
 - **Foreseeability of Harm**
 - **Past Practice**

Your Obligation to Provide A Safe Workplace

OSHA

**Creates a General Duty to Maintain a
“Workplace Free From Recognized
Physical Harm”**

TIPS FOR THE SAVVY HR PRO

- Written Crisis Management Plan**
- Mandatory Training in Restrain/Seclusion Procedures**
- Critical Incident Stress Debriefing Sessions**
- Diversity Training**
- Staffing Increases Where Possible**

Other Considerations



Other Considerations

- **Americans With Disabilities Act**
 - **“DIRECT THREAT” Defense**
- **Family and Medical Leave Act**
 - **Mental Conditions That Lead To Violence May Qualify as a “Serious Medical Condition”**

EMPLOYEE SABOTAGE



EMPLOYEE SABOTAGE

Sabotage

IS

A Form of Workplace Violence!

EMPLOYEE SABOTAGE

- **What Is It???**
 - **Introduction of Computer Virus**
 - **Misplacing, Hiding or Stealing of Documents**
 - **Destruction of Property**

EMPLOYEE SABOTAGE

**Employers' Increased Reliance on
Technology Makes Sabotage a**

REAL POSSIBILITY

With Potentially

DEVASTATING RESULTS

TIPS FOR THE SAVVY HR PRO

- Limit Employee Access Where Possible**

TIPS FOR THE SAVVY HR PRO

– In Case of Separation, IMMEDIATELY Terminate Access

- Change Passwords/Codes**
- Revoke Security Privileges**
- Collect Keys/Badges**
- If Necessary, Change Locks**

TIPS FOR THE SAVVY HR PRO

- Consider Severance Package Options to Lessen Animosity at Separation**
- Monitor The Workplace**
 - Surveillance/Inspections/Searches**
 - Computer Systems/E-mail Messages**
 - No Expectations of Privacy**

TIPS FOR THE SAVVY HR PRO

AVOIDING WORKPLACE VIOLENCE

- Thorough Background Checks**
- Interviews**
- Drug Testing**
- Psychological/Medical Exams
(Where Appropriate)**

TIPS FOR THE SAVVY HR PRO

AVOIDING WORKPLACE VIOLENCE

– Maintain the Zero-Tolerance Standard

- Create a “Violence Assessment and Prevention Team”**
- Create an “Incident Report Form”**
- **BE CONSISTENT** in Dealing With Incidents And Threats**

TIPS FOR THE SAVVY HR PRO

AVOIDING WORKPLACE VIOLENCE

– Extensive Training for Supervisors

- How To Deal With Reports of Violence or Threats**
- How To Avoid Discrimination or Retaliation in Handling Reports of Violence or Threats**

TIPS FOR THE SAVVY HR PRO

AVOIDING WORKPLACE VIOLENCE

– Employee Assistance Programs

- Help Employees Deal With Problems Before They Affect the Workplace**
- Provide An Independent Outlet for Disgruntled Workers**
- Can Be Very Cost Effective**

Workplace Protective Orders



Workplace Protective Orders

- **A New Nevada Law Provides Protection To Employers and Employees From Workplace Harassment and Violence**
 - **Court Issued Protective Orders Enjoin Harassing, Violent and “Stalking” Behaviors In the Workplace**

Workplace Protective Orders

- **The Statute Covers:**
 - **Acts or Threats of Bodily Injury**
 - **Acts or Threats of Damage To Property**
 - **Acts or Threats to Physical or Mental Health and Safety**

Workplace Protective Orders

- **Courts Are Authorized To:**
 - **Enjoin the Person From Contact With the Employer, an Employee at Work, or Any Person at the Place of Business**
 - **Order the Person to Stay Away**
 - **Order Any Relief Necessary To Protect the Employer, Employees and Others**

Workplace Protective Orders

- **Employers Must:**
 - **Give Prior Notice to the Harassing Person if Possible**
 - **Post Security Bond**
 - **Standard is \$250.00**
 - **Move For An Extension for Time Beyond Fifteen Days**

Workplace Protective Orders

- **Penalties for Violations:**
 - **Misdemeanor**
 - **Minimum \$1,000.00 Fine or 200 Hours Community Service**
 - **Jail Time**
 - **Financial Restitution for Employer**
 - **Professional Counseling**

THANK YOU

