

Workplace Violence: Management Liability/Employment Practices Risk Management

Emergency Services Organization (ESO) leaders often have the first opportunity to note warning signs of violence, including instances of domestic abuse involving ESO members (employees and volunteers) that may escalate into violence in the workplace. Measures can be taken to reduce the likelihood of a violent incident at the ESO or during an ESO-related activity. This Communiqué offers risk management guidelines and a sample Violence/Threats of Violence policy to help provide a safe and productive work environment for all members and reduce exposure to litigation.

Preventing and Detecting Violence and Threats of Violence

Consider the following tips to help detect and prevent workplace violence and threats of violence:

- Conduct background checks
- Create and disseminate a clear no tolerance policy for workplace violence (may result in immediate termination for any act or threat)
- Encourage members to promptly report incidents and threats
- Develop a emergency response plan as pertains to workplace violence
- Complete work site risk analysis/assessment to identify where the organization may be vulnerable and determine what steps can be taken to reduce risk
- Use of an Employee Assistance Program (EAP) can assist organizations concerned with potential violence and function as a resource in dealing with threats or acts of violence
- Provide supervisory and non-supervisory training on conflict resolution, anger management, team building, and identifying early warning signs of violence
- Monitor email and phone calls for known threats of violence against District Members
- Advertise the EAP or other resources for victims of domestic violence
- Consider providing assistance to employees attempting to obtain restraining orders
- Obtain restraining orders for organization when appropriate Develop a post-incident response plan
- Require badge access other than visitor areas or lobby
- Give only first names over the phone or to strangers
- Escort terminated members off premises
- Install more lighting in parking lots if necessary
- Consider video surveillance

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Sample Violence/Threats of Violence Policy

XYZ is committed to preventing workplace violence and providing a safe work environment. XYZ prohibits and does not tolerate violent acts or threats of violence against employees, volunteers, visitors, guests, community members or other individuals within its facilities or during any XYZ-related activity (including off-duty periods).

Definition

Violence may be described as verbal or physical threats, intimidation, and/or aggressive physical contact. Prohibited conduct includes, but is not limited to the following:

- Intimidation, harassment, assault, stalking, or other conduct that causes a person to reasonably believe that he or she is under a threat of bodily injury or death.
- Threatening, attempting, or inflicting injury or damage to another person (member), member's family or property.
- Possessing a dangerous weapon such as a firearm, explosive, or hazardous device, or using an object as a weapon on XYZ property or during any XYZ-related activity.
- Using obscene or abusive language or gestures in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above conduct is also prohibited. Members are also expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

Restraining Orders

Any member who obtains a restraining order against any person should immediately notify XYZ management. XYZ has made a commitment to provide a safe workplace and can only do so if it receives information concerning individuals who have been ordered to maintain a distance from its facilities and/or members.

Warning Signs of Potential Violence

There are often signs serving as a warning that violence in the workplace may occur. Please review the following list of early warning signs that an individual may act out violently, keeping in mind that demonstration of one or many of the actions on the below list do not automatically point to certain violence. However, activities should be noted and XYZ will assist in detecting and defusing a potential workplace incident.

- Increase in use of alcohol or using drugs.
- History of violent or aggressive behavior or frequent physical fighting off or on duty.
- Displaying a loss of control, (i.e., loss of temper on a frequent basis, frequently for unsubstantiated reasons, or over minor issues).
- Either joking or making serious direct or veiled threats.

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- Physically, verbally or emotionally intimidating others or instilling fear, for example via harassing phone calls, emails and/or stalking.
- Being obsessed with one's job and having no known outside interests.
- Being a loner and/or expressing a strong desire for a personal or romantic relationship with a co-worker. Under these circumstances, the co-worker may feel threatened and report the unwanted attention.
- Obsession with weapons or militia, particularly if this is new behavior for a member.
- Feeling constantly disrespected, demonstrating a "me versus the world" attitude. Experiencing difficulty with authority, for example feeling discriminated against, harassed, or intentionally targeted. Does not accept criticism well and commonly harbors resentment.
- Expressing desperation, significant frustration or depression over recent professional, personal, or financial problems.
- Fascination with other recent incidents of violence and approval of the use of violence.
- Disregard for safety, thus presenting a risk to self and others.
- Demonstrates a lack of conscience and/or abuse towards other persons or animals.
- Vandalism or property damage.
- Failing to acknowledge the feelings or rights of others.
- Having been a victim of violence or bullying.

What To Do

If you witness a potentially violent situation, or are dealing with a threatening or violent person do not place yourself in danger or try to intercede. You should not attempt to challenge or disarm the individual. If possible, escape the scene and immediately contact local law enforcement authorities. Tips proven to be effective in this type of situation are as follows:

- Try to remain calm
- Keep a distance of 4-6 feet
- Do not touch the threatening or violent individual
- Make constant eye contact, but do not try to "stare down" the threatening or violent person
- Actively listen and respond to the individual
- Ask the person making the threats or acting violently for solutions

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- If a supervisor or other appropriate authority can be safely notified of the need for assistance without endangering your safety or that of others, do so. Otherwise, cooperate and follow the instructions given. Please see reporting procedures below.

Reporting Procedure

All threats of (or actual) violence, both direct and indirect, MUST be reported as soon as possible to your immediate supervisor or any other member of XYZ management. Members are encouraged to contact the appropriate law enforcement authorities without first informing their immediate supervisor if they reasonably believe that imminent danger to their own safety or that of others exists. Members shall then immediately report to their supervisor or others in the chain of command.

A reportable incident can be an act or threat from XYZ members, as well as others from the public and includes those threats or acts that may be perceived, actually experienced, or witnessed. When reporting an act or threat of violence, you should be as specific and detailed as possible. Members must also report all threats or violent acts they witness or experience while on duty away from XYZ premises or during any XYZ-related activity, or which related to the member or legitimate business interest of XYZ.

The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, XYZ may suspend members suspected of violence or threats of violence, either with or without pay, pending investigation.

In no instance will a member be disciplined, retaliated against or discharged for good faith reporting of any reasonably perceived act or threat of violence. Anyone reasonably believed to have engaged in retaliation of any kind will be subject to disciplinary action up to and including termination of employment or membership, and prosecution for any criminal behavior linked to retaliatory activity. False or intentionally misleading reports are unacceptable and will be handled through XYZ personnel procedures regarding disciplinary measures up to and including employment termination.

All acts or threats of violence will be thoroughly investigated and disciplinary action and/or legal prosecution to the fullest extent possible will be pursued against members, and non-members for violating this policy.