



MANAGING THREATS OF VIOLENCE IN THE WORKPLACE

**Take-and-Use Guidelines for Chubb
*Workplace Violence Expense Insurance Customers***



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Take-and-Use Guidelines For Chubb *Workplace Violence* *Expense Insurance* Customers

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Introduction

Workplace violence came into prominence in the 1990s as well-publicized mass workplace murders jolted the nation's collective consciousness. The U.S. Postal Service was especially hard hit. Following a wave of incidents, corporations started developing programs addressing the prevention of, and response to, workplace violence. Although workplace violence programs have evolved significantly, many employers still use outdated 1990s methods to address workplace violence.

Unfortunately, threats of violence are a fact of life in the workplace. Whether the economy is good or bad, situations arise that elicit thoughts of hostility, vengeance, or violence in people predisposed to violence. Threats can come from disgruntled, enraged or mentally ill employees or temporary workers within an organization. Threatening situations in the workplace can also come from people outside an organization: customers, employees' family members, former employees, contractors, terrorists, activists, criminals, and mentally ill individuals.

Occasionally, threatening workplace situations turn into serious acts of violence, making workplace violence a foreseeable risk that should be managed. Although seriously violent acts in the workplace are low-probability occurrences, they can have severe consequences when they do occur. Employees and others who are aware of potential occurrences can become concerned and afraid. Thus, employers should be equipped to effectively prevent, prepare for and respond to workplace violence incidents.

Out of necessity, the U.S. Postal Service took workplace violence seriously and implemented a comprehensive workplace violence program. With as many as 785,000 employees, the Postal Service went approximately eight years without another employee-perpetrated shooting.

The best risk management strategy combines sound workplace violence policies and procedures, access to expert professional resources, and quality insurance coverage. Chubb commissioned Bruce T. Blythe, CEO and Chairman of Crisis Management International (CMI), to prepare this booklet in order to help employers develop or enhance their workplace violence risk management programs.

We hope this booklet helps to raise awareness about the risks of workplace violence and ways to manage these risks. Although this booklet provides general guidance on risk-management issues, it is not a substitute for expert advice. Be sure to consult experienced professionals for guidance on specific threat and workplace violence issues and on how to develop and implement a comprehensive workplace violence program. We strongly encourage you to seek competent multidisciplinary counsel.

The Role of Insurance

Like it or not, every organization is vulnerable to workplace violence, regardless of size. A workplace violence incident can be catastrophic to an organization—to its bottom line, to employee morale, to employee retention and recruiting, and to its reputation.

Insurance can play an important role in helping management handle workplace violence. Workplace violence expense insurance can provide funds for important services and costs, such as

- Crisis management expertise.
- Independent crisis management consultants.
- Coverage for loss of business income following an event.
- Independent crisis mental health specialists.
- Death benefit for employee victims.
- Victim employees' salaries and replacement employees' salaries.
- Independent forensic analysts.
- Rewards paid to informants who provide information leading to the arrests and convictions of responsible parties.
- Medical, cosmetic, mental health and dental expenses of victims.
- Rest and rehabilitation for insured persons and their relatives.
- Independent public relations consultant.
- Expenses related to dealing with a stalking threat.

What's more, insurance coverage is surprisingly affordable, especially when compared to the potential costs of not having coverage. For advice on the workplace violence expense insurance policy that is best for your organization, be sure to consult with your company's trusted insurance advisor, as well as legal counsel.

Preventing Workplace Violence

The best method for addressing workplace violence is to prevent it from occurring in the first place.

A comprehensive approach to preventing workplace violence is imperative and should include, at a minimum, pedestrian and vehicle access controls; robust corporate security staffing, including on-site security guards, appropriate surveillance systems, emergency response and lockdown capabilities, human resources and employee assistance programs, and premises hardening (i.e., locks and other controlled-access systems that keep out unwanted intruders).

Additional preventive measures can include the following:

Hiring practices—Examine your organization’s effectiveness for screening potentially violent job candidates. Here are some questions to consider:

- Do you provide adequate drug/alcohol screening and criminal background checks?
- Do you ask questions that can elicit signs of antisocial personality—for example, times when the candidate “creatively bent the rules to get the job done”?
- During reference checks with former employers, do you ask, “Is there any reason we should be concerned about this person from a workplace violence standpoint?”
- Do you insist that outside contractors adequately screen employees before placing them in your workplace?

Employee workplace violence orientation—Employees need to clearly understand exactly what your company considers violations of its workplace violence program, how to notify management of any threatening behavior or circumstances and what management will do once notified. Employee briefings about workplace violence are normally included in new-employee orientations, and employees should be reminded of the program at least annually to avoid claims of negligent training.

Hostility management training—When employees and managers know how to defuse hostile reactions from customers, co-workers and others, they may be able to reduce the risk of potential violence in its earliest stages.

Threat notification system—Far too often, employees do not report threatening situations to management because they don't know exactly where to report threats or are concerned about confidentiality. Employees should understand the expectation of management that they share responsibility for safety in the workplace and that threats must be reported promptly. For reporting to be effective, employees need to know how and to whom to report a threat at any time of day or night, how management addresses the reported threatening situation and the company's policy on confidentiality and anonymous notifications.

Preparing for Workplace Violence

The time to start thinking about workplace violence is not when a threatening or violent situation occurs. Following such incidents, unprepared employers increasingly are accused of negligent failure to plan and prepare. Conversely, organizations that are effective in managing workplace violence risk are those that have taken the time to adequately prepare for it.

What are the ingredients of an effective workplace violence risk management program?

According to a study by Pepperdine University, preparedness is a top characteristic of an effective crisis leader. An Oxford University study on post-crisis response seconded this, finding that well-prepared companies enjoyed a 22% higher shareholder value one year after a crisis than companies that were not well prepared.

In addition, research by the Center for Risk Communication found that a visible demonstration of caring was the single most important ingredient for effective crisis leadership.

Thus, an effective risk management program includes components that maximize preparedness and, at the same time offers visible evidence that a humane company management team genuinely cares about its employees and other stakeholders.

Effective Program Components

With these thoughts in mind, we can say that a well-designed workplace violence preparedness program includes the following:

- A trained, multidisciplinary Threat Response Team to plan for, investigate, assess, and defuse threatening situations. The team should consist of members of management and include backups, and it should be able to notify and mobilize members immediately when a threat occurs. Employees should know the organization has a team trained to respond to significant threats. Core team members should include, at a minimum, managers from Corporate Security, Human Resources, and Legal. The core team should be supplemented with additional resources as needed, including internal managers, a police officer (best if known to management), threat consultant, private investigator, forensic specialist, linguistics analyst, profiling specialist,

guard service, threat-experienced mental health professional, employment attorney, surveillance specialist, undercover investigator, executive protection specialist, dispute resolution provider, hostility management expert, IT security specialist and a polygraph examiner.

Because Threat Response Team membership may change over time, to ensure consistency, effectiveness and efficiency, the team should develop a manual of written guidelines for managing threat situations. It should have sequential take-and-use guidelines for managing threatening situations: respond immediately, assess, intervene/defuse, follow up, disengage purposefully, and produce legally defensible documentation. The manual should be based on the trends and motives behind threats and violence in your workplace. Trends and motives might relate to toxic supervisors, drug or alcohol abuse, gang membership, domestic violence brought into the workplace, location of premises, exposure of employees to the general public, robberies and other crime, or layoffs and terminations. Once violence-related trends and motives specific to your workplace are identified, the team can establish controls to address them.

- A multidisciplinary Human Impact Team that is trained and prepared to specialize in the human side of crisis response. For example, this team should have appropriate next-of-kin notification procedures in the event of death or serious injury as well as plans for memorials and funeral outreach. Team members should include those who are equipped to address legal, financial, benefits, human resources and security issues of impacted people.
- A trained Family Assistance Program Team, staffed by trained employee volunteers or outsourced to behavioral health professionals experienced in family representative services.
- Well-thought-out crisis communications to and from affected stakeholders, including hot line capabilities, to ensure that appropriate personnel are prepared to respond effectively should a potentially violent situation quickly emerge.
- Enhanced benefits that can be provided to employees on a temporary basis, such as personal protection coaching, special time off, personal security provisions, flexible work schedule, relocation to another facility, etc.

- Monetary assistance for employees who suffer substantial crisis-related losses.
- Health care services for physical and psychological maladies, including mental health counseling services (pre-arranged and screened).
- Enhanced workplace security.
- Re-entry or return-to-work programs that address a “new normal”—i.e., a normal work schedule but with consideration for changes made or that need to occur because of a critical workplace incident.
- Crisis response coordination with contracting companies that place contractors at your location.
- For international companies, response capabilities that take into account local laws, customs and complexities.
- A crisis preparedness guardian who ensures that the plan, crisis teams, and other stakeholders are up-to-date.

Program Policies and Procedures

The following policies and procedures are also key ingredients in a well-designed workplace crisis management program:

- **A “zero tolerance” workplace violence policy**—Such a policy should clearly define behaviors that constitute violence, such as making threats (verbal, gestural, written, implied and direct), bullying, stalking, possessing weapons (taking state laws into consideration), intentionally destroying property, intimidating others and causing fear, and so on. The policy should also address domestic violence that affects the workplace. Furthermore, the “zero tolerance” policy should include consequences for violating the policy, from disciplinary action up to and including termination of employment.
- **An organized system of accounting for people**—It is critical to be able to account for every individual after an incident or a crisis.

- **Provider assessment procedures**—Remember that external service providers working with your organization can also perpetrate workplace violence, so they should be selected carefully only after considering a number of important questions:
 - Do service providers conduct criminal background checks on personnel they place in your workplace?
 - If your company uses outplacement services after layoffs and terminations, are service providers willing to tell you about threats and other “red flags” revealed by ex-employees?
 - Do employee assistance programs have structured protocols in place to assess and provide “duty to warn” notifications to your organization?
- **Physical security audits**—Employees and others who frequent your facilities gain insight into your physical security measures, so it’s important to periodically review them. Has an external specialist, such as a former Secret Service agent, provided an objective audit of your facilities and grounds security? Note: It is best to have legal counsel retain the security audit provider in order to protect privacy in case any recommendations have not been fulfilled, or if photos or findings could increase liability.

On a related note, if you rent properties, how prepared are your landlords to manage threats?

- **Domestic violence support program**—Employees sometimes inadvertently carry dangerous personal relationships with them to their jobs; for example, domestic violence may spill over into the workplace. Therefore, having a comprehensive domestic violence support program can reduce the potential for this source of workplace violence. For example, suppose an employee is an abused spouse who doesn’t know where to turn for assistance. The ability to confidentially provide information—such as locations of shelters, how to obtain restraining orders and the help available through local domestic violence programs—can be of critical assistance to an abused employee, not to mention help protect the company’s other employees.

- **Post-crisis preparedness**—Serious workplace violence incidents attract publicity. Therefore, management must be prepared to respond to publicity through the media, blogs, Twitter, websites and so on, to multiple stakeholders. If senior executives and staff managers have not prepared a strategic or tactical crisis response, the severity and longevity of the crisis can escalate, deepening the consequences. On the other hand, a caring and timely management response can mitigate potential damage and help position the company in a favorable light. An effective response to publicity is highly correlated with preparedness—it requires planning, training individuals and holding regular crisis response exercise drills.

As you can see, preparing to manage threatening situations can require protocol, skills and resources from a wide variety of disciplines.

Responding to Workplace Violence Threats

Devastating incidents occur around the world with regularity, such as the 9/11 terrorist attacks, the Indian Ocean tsunami and Hurricane Katrina. The repeated refrain following each crisis was that crisis management preparation and execution was inadequate.

The same can be said about workplace violence incidents. Employees and others who feel harmed by workplace violence have high expectations of employers. Following a workplace violence incident, they clearly voice their expectations that employers should have been better prepared to prevent it in the first place and to respond to it once it occurred. The collective reaction to an ineffective response invariably is outrage. Conversely, when employers respond to incidents of workplace violence in a timely manner with visible caring and competence, post-incident morale, productivity and reputation can significantly improve.

Managing the Threat Response: Part Art, Part Science

Threat management can involve life-and-death consequences and many “gray area” decisions and actions. There is no proven formula for managing threatening situations that will work every time. Threat management requires making prudent judgment, and weighing the pros and cons of decisions and actions in an ever-changing, fear-inducing environment. If not carefully thought out, management’s decisions and actions can have unintended, devastating consequences.

The art of threat management involves making decisions with the understanding that there are potential risks regardless of the actions taken—and that any decisions are likely to be second-guessed. A Threat Response Team has to be equipped to manage differing opinions regarding what decisions to make and actions to take in response to a crisis. For example, consider a case in which a manager must decide whether a threatening employee should be allowed to resign or be terminated against his or her will. If the employee is allowed to resign and applies for unemployment compensation, will the company contest it? Such decisions require taking into account business and personal ethics, deciding whether to follow standard protocol rather than making exceptions and determining desired safety-related outcomes.

The science of threat-response management involves tangibles such as responding quickly, conducting an investigation, assessing danger, disengaging, and in general collecting the information needed to make the best decisions possible in a dynamic environment. Following are suggested steps to follow in response to a workplace violence crisis.

Respond to the Threat Quickly and Smartly—You just learned of a seriously threatening situation. Your first actions are critical and, to the extent possible, should have been carefully thought out in advance by the Threat Response Team. When should the team be notified and/or mobilized? Should you contact law enforcement? Who else needs to be notified? Your response needs to be immediate but not rash. You will need to quickly:

- **Investigate and assess the threat.** The Threat Response Team can be only as good as the information it receives. When assessing a threat, this means verifying facts, investigating unverified information and rumors, playing “what if” to adequately consider contingency plans, and applying good judgment. You should also consider the unintended consequences the threat poses, such as untruths spreading through the rumor mill and inadvertently provoking the threatening person. Meanwhile, it is vital to employ a professional and purposeful manner for obtaining sensitive information, perhaps even from an uncooperative informant.
- **Defuse threatening individuals and situations.** In threatening situations, management may need to take action that is potentially provoking—for example, disciplinary job action, termination of employment, arrest, or injunctive relief. In such cases, management should also take actions to defuse the situation. A threatening individual may respond favorably to being heard, feeling understood, and being treated fairly with a sense of dignity. Management will need to determine whether a strong hand is best (for example, calling in law enforcement), whether a caring, supportive response would be more effective, or whether a balance of the two would be optimal.
- **Follow up.** Workplace violence can occur days, weeks and even months after an employer thinks a threatening situation was resolved. Management may need to orchestrate a method to monitor and/or intervene with regard to a threatening individual over time. That can mean making difficult decisions about how best to monitor and who (inside or outside the organization) should intervene.

- **Purposefully disengage.** What are the indicators that management can safely discontinue monitoring the threatening case? Who needs to be notified that the case is being closed? What circumstances would indicate that reactivation of the plan is necessary? The decision to disengage should be based on the consensus of the Threat Response Team and others with threat management expertise and knowledge in the case, and it should also include input from all appropriate stakeholders.
- **Document decisions and actions.** Maintaining legally defensible documentation is paramount, because lawsuits are likely following a serious workplace violence incident, and all written records will be subpoenaed. Plaintiff attorneys will search for evidence of negligence in order to overcome state workers compensation laws. Document facts that are uncovered, decisions made, and actions taken as well as the reasons for *not* taking certain actions when addressing a situation. This documentation may be your company's best defense in court. Management's rationale for any decision made or action taken should pass the "reasonable person" test: Is this what a reasonable person would do under the circumstances?

Many attorneys recommend maintaining only one set of documentation regarding the management of a threatening situation, and some prefer to house it themselves. Conversely, some attorneys prefer no documentation at all. Seek the advice of your organization's attorney regarding documentation.

About Crisis Management International

Atlanta-based Crisis Management International (CMI) provides comprehensive crisis and business continuity preparedness services for Fortune 1000 and other organizations worldwide, including planning, training, and exercise programs. Specialty areas include crisis and business continuity preparedness, human side of crises, strategic crisis leadership, workplace violence prevention and preparedness, and threat management consultations through a network of experienced mental health specialists and former FBI and Secret Service agents. A world leader in implementing workplace violence programs, CMI helps companies respond to critical workplace incidents more than 1,000 times per month on average.

About the Author

Bruce Blythe is an internationally acclaimed crisis management expert. He is the owner and chairman of three companies that provide employers with a continuum of crisis preparedness, crisis response, and employee return-to-work services: Crisis Management International, Crisis Care Network, and Behavioral/Medical Interventions. He was personally involved in crises such as the 1993 World Trade Center bombing, mass murders at the U.S. Postal Service, the Oklahoma City bombing, the 9/11 attacks, commercial air crashes, the rescue of hostages kidnapped and held for ransom in Colombia, hurricanes Andrew and Katrina, earthquakes, fires, floods, and reputational crises. He serves as a consultant and certified coach to numerous Fortune 1000 executives and managers in strategic crisis leadership preparedness and response.

Widely regarded as a thought leader in crisis management and business continuity, Blythe is the author of *Blindsided: A Manager's Guide to Catastrophic Incidents in the Workplace*, and he has appeared widely in the media, including on NBC's *Today*, CNN, ABC's *20/20*, CBS's *48 Hours*, CNBC, Fox, and National Public Radio. He served in the U.S. Marine Corps Military Police, is a certified clinical psychologist and has been a consultant to the FBI on workplace violence and terrorism.



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