



# Workforce Dynamics: Workplace Violence Prevention

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# INTRODUCTION

It appears to be commonplace to turn on the TV, read online, or receive an alert on a mobile device describing a mass shooting at a place of employment. [Stanford University](#), research facility defines a mass shooting as one that involves 3 or more persons excluding the shooter. In 2021 alone, there have been over 70 incidents of mass shootings occurring at a place of employment according to [Gun Violence Archive](#).

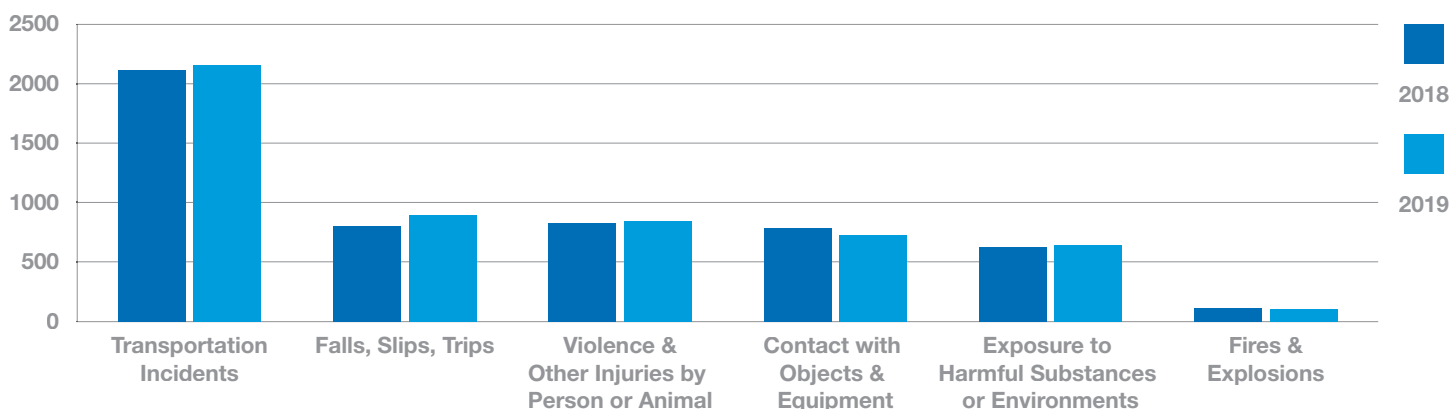
Let's look at the statistics of workplace violence, with an understanding that while there are mass shooting incidents that receive media attention, not all workplace violent situations rise to that level yet their numbers are equally disturbing.

The Occupational Safety and Health Administration, (OSHA) defines workplace violence as **“any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.”** Workplace incidents can range from threats and verbal abuse to physical assaults and homicide behavior. Incidents can even be found to violate Title VII of the Civil Rights Act of 1964 and other related federal and/or state discrimination laws if behavior found to be discriminatory in nature.

## TOOL: HCM TRENDS: WORKFORCE DYNAMICS CATALYST TO CONVERSATION - DIVERSITY & INCLUSION (BAN 639)

The [Bureau of Labor Statistics \(BLS\)](#) records the statistics for violent non-fatal and fatal incidents that occur in the United States (U. S.). As the following chart shows, homicide is the 3rd leading cause of fatalities in the workplace.

**Number of fatal work injuries by major event or exposure, 2018-2019**



Since 2015, we observe a steady rise in both fatal and non-fatal incidents and it is being anticipated that with the impact of Coronavirus-19 (COVID-19) that 2020 will prove to show further increase in incidents. “According to [Bloomberg Law](#), public-facing employees have; been screamed at, spat on, and assaulted for trying to enforce mask-wearing rules and, in November 2020 it was [reported](#) on how a Family Dollar security guard had been shot and killed for trying to enforce mask-wearing rules.”

## Fatal Occupational injuries for selected events or exposures, 2015-2019

Characteristics	2015	2016	2017	2018	2019
<b>Total</b>	<b>4,836</b>	<b>5,190</b>	<b>5,147</b>	<b>5,250</b>	<b>5,333</b>
<b>Event or Exposure</b>					
Violence and Other Injuries by Persons or Animals	703	866	807	828	841
International Injury by Person	646	792	733	757	761
Homicides	417	500	458	453	454
Shooting by Other Person – International	354	394	351	351	363
Stabbing, Cutting, Slashing, Piercing	28	38	47	44	42
Suicides	299	291	275	304	307

The [National Institute for Occupational Safety & Health \(NIOSH\)](#) categorizes and defines workplace violence incidents into 4 relational categories:

**1. CRIMINAL INTENT** the perpetrator has no legitimate relationship to the business or its employees.

Type I violence is usually incidental to another crime such as robbery, shoplifting, or trespassing. Acts of terrorism also fall into this category.

**2. CUSTOMER/CLIENT** is the most common in healthcare settings.

The customer/client relationship includes when the violent person has a legitimate relationship with the business—for example, a customer, client, patient, student, or inmate—and becomes violent while being served by the business.

**3. WORKER ON WORKER**

The perpetrator of Type III violence is an employee or past employee of the business who attacks or threatens other employee(s) or past employee(s) in the workplace

**4. PERSONAL RELATIONSHIP**

The perpetrator in these cases usually does not have a relationship with the business but has a relationship with the intended victim. This category includes victims of domestic violence who are assaulted or threatened while at work.



Workplace violence incidents speak to the emotional wellbeing of those affected (the perpetrator, the victim(s), and those who are unwilling participants) and the culture of the workplace. Many believe that diminished mental health plays a factor in the mindset of the perpetrator. This is not always the case. Alternatively, we need to examine how the emotional wellbeing of those within the worksite is managed before, during and after workplace violence events.

Emotional wellbeing is the ability of a person to be aware of and to not only accept their feelings but deal with them in a healthy manner. The premise is that as one feels things, they believe these things, and when they feel emotions, whether positive or negative, those outcomes will occur.

Under OSHA's [General Duty](#) clause employers are "required to provide their employees with a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm."

This is where a Human Capital Management (HCM) strategy can guide an employer to ascertain if their workplace culture is conducive to maintaining a workplace that would support OSHA's general duty clause.

Working towards a concerted benefit and human capital management strategy employers can be guided to review their Human Resource practices to (1) identify what in the workplace is a contributor, and (2) implement a holistic wellbeing program that will work to combat against any contributors.

It is the objective of this white paper to provide employers with not only an awareness of workplace violence but offer proactive solutions through Human Capital Management strategies of establishing:

1. policies and procedures,
2. workplace safety protocols,
3. a culture of emotional wellbeing and
4. available resources through proactive employee assistance program (EAP) resources.

Implemented together, this strategy will

**Lead<sup>2</sup>Healthier**  
*Assets • Business • People • Culture*





# COST OF WORKPLACE VIOLENCE

From individual to employment related costs, workplace violence costs us all. While insurance may help mitigate some of the damages, the untold costs of loss of life, job, on the business and the community cannot be recouped.

American Taxpayers	American Businesses
<p><b>\$299 billion gun violence tab that American taxpayers are paying every year</b></p> <ul style="list-style-type: none"> <li>• <b>Medical</b></li> <li>• <b>Legal Fees</b> <ul style="list-style-type: none"> <li>• <b>Aurora legal proceedings reached \$5.5M before the trial even began</b></li> </ul> </li> <li>• <b>Long-term prison costs</b> <ul style="list-style-type: none"> <li>• <b>More than \$5.2 B Annually</b></li> </ul> </li> <li>• <b>Long-term medical &amp; disability expenses</b> <ul style="list-style-type: none"> <li>• <b>Up-towards \$1.7M</b></li> </ul> </li> <li>• <b>Mental Health Care</b> <ul style="list-style-type: none"> <li>• <b>\$410M annually</b></li> </ul> </li> <li>• <b>Emergency Services</b> <ul style="list-style-type: none"> <li>• <b>\$583,000 per gun injury</b></li> </ul> </li> <li>• <b>Police Investigations</b></li> <li>• <b>Security Enhancements</b> <ul style="list-style-type: none"> <li>• <b>\$811M since Columbine HS</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>Range from \$6 billion to \$35 billion each year</b></li> <li>• <b>Neglectful hiring and negligent employee retention out-of-court disbursements due to workplace violence lawsuits average more than \$500,000 with jury rulings in these cases in the average of \$3 million</b></li> </ul> <p><b>Costs may include: loss of business income, security consultants, medical services, rehabilitation costs, independent security guards, employee counseling, public image management, and wages for victim employees and for replacement employees, in addition to imparting death benefits to families or other beneficiaries of employees.</b></p> <ul style="list-style-type: none"> <li>• <b>Insurance can help mitigate some of these damages</b></li> </ul>

Source: Federal Bureau of Investigation





While there are easily identifiable costs to the workplace that has experienced violence, many underlying costs exist that may be harder to identify that employers need to consider:

- Critical Incident Care
- Temporary Closure of the workplace
- Lost Revenue
- Health Care & Workers Compensation premium increase
- Cost of Litigation
- Employee Turnover
- Shareholder value
- Negative Brand Awareness

## Workplace Stress

One mitigating factor to workplace violence is helping both supervisors and employees manage stress whether it occurs inside the workforce or if outside forces are causing disruption.

Workplace stress costs employers billions of dollars in losses due to employees being disengaged and unproductive due to workplace stress. The American Institute of Stress estimates that job stress costs the U.S. Industry 300 billion a year in absenteeism, turnover, lower productive and medical, legal and insurance costs. 40% of workers say their job is very or extremely stressful and workplace stress levels are higher than they were five years ago.

Employers see stress displayed in many behaviors: good performance deteriorates, increased absenteeism occurs, cooperation with team members erodes and a once focused employee becomes distracted potentially creating safety hazards. Supervisors and Human Resources traditionally have dealt with these issues through Performance Improvement Plans up to and including termination of employment. It is important today that employers know their employees so that they are able to recognize or unearth the reason(s) behind poor performance if they want to have an ability to retain employees.

Stress may be inevitable in certain jobs. And, believe it or not, there are some employees who tend to thrive on certain levels of stress when they feel they have control over management of their tasks. However, when a person has no ability to control these situations, a sense of powerlessness arises, which, according to the American Psychological Association is a “universal cause of job stress.” Instances such as:

- Loss of job;
- Failure to receive a promotion;
- Discrimination in the workplace;
- Workplace bullying;
- Unsafe working conditions;
- Unclear and inconsistent supervisor communication and directives;
- Too many responsibilities but little authority or control to move the ball forward.

Even the act of assigning additional job duties to someone who is already feeling overburdened could cause stress levels to rise.





# The following are questions employers should consider to determine if the worksite is adding to the stress level of employees.

## 1. Is communication professional?

- Professional doesn't mean that good natured conversation cannot occur, but is the communication promoting an atmosphere of respect or is it demeaning and/or discriminatory?

### WORKPLACE BULLYING AFFECTS:

- 19% of Americans are bullied, another 19% witness it
- 61% of Americans are aware of abusive conduct in the workplace
- 60.4 million Americans are affected by it
- 70% of perpetrators are men; 60% of targets are women
- Hispanics are the most frequently bullied race
- 61% of bullies are bosses, the majority (63%) operate alone

## 2. Do you have bi-lateral communication – where top management and employee are sharing information, ideas and feedback?

## 3. Is there a conflict resolution process in place that promotes employees having authority to resolve matters with each other and/or their supervisor and bring to Human Resources attention when needed?

## 4. Is your team adequately staffed and job duties evenly distributed?

## 5. Are employees paid competitively for the work that they are doing?

## 6. Is there a proper work-life balance culture?

- Can employees take time off for family, school events, doctor's appointments without the fear of being reprimanded?

## 7. Are job responsibilities clearly defined?

- Are the tasks and the management of those tasks communicated to the candidate?
- Are candidates for positions having to show how they will handle the burden of the related job tasks?

## 8. Are employees encouraged to use their PTO time and unplug from company communication?

- Unused PTO. 52% of employees annually leave PTO unused in 2017 that accounted for more than 700 million days that go unused and 62.2 billion in lost benefits.

## 9. What is the attitude and culture surrounding emotional-wellbeing

- Remove the stigma

The workplace may not even be a main factor of stress. Employees may be facing events that are being brought into the workplace. While everyone should plan for high-impact life events, the reality is not everyone does. Nor even when best prepared for, the reality of the actual event happening can still cause stress levels to rise. As the sense of control an individual may feel diminishes, they are sent into stress mode, i.e. fight or flight. The following chart depicts high-impact life events:



HIGH IMPACT LIFE EVENT	HOLISTIC WELLBEING			
	Financial	Emotional	Social	Physical
Addiction	X	X	X	X
Child Care	X			
College Planning	X			
Credit Card Debt/Bankruptcy	X	X	X	
Elder Day Care	X			
Death	X	X	X	
Divorce	X	X	X	
Estate Planning	X			
Home Buying/Rental/Relocation	X			
Identify Theft	X	X		
Illness Child	X	X		X
Illness Personal/Spouse	X	X		X
Legal Aid	X	X		
Loss of Job/Wage Reduction	X	X	X	
Marriage	X	X		
Medical Bills	X			X
Mental Health	X	X	X	X
Natural Disaster	X	X		
Parental Care	X			
Personal Health Care	X			X
Retirement Planning	X			
Savings Plan	X			
Student Loan Debt	X			
Tuition Assistance	X			
Volunteerism			X	
Weddings	X			
Workplace Stress	X	X	X	

Employers should recognize that employees are their most valuable asset and understand that employees bring to the job each day all the positive and negative experiences that occur in their lives. These experiences impact both employee and employer. Positive experiences result in a productively engaged employee interacting positively within the workforce. Negative experiences create stressors, which can result in injuries, absenteeism, presenteeism, and accidents – all of which impact productivity and drive down revenue.

This is where the concept of a Total Wellness Approach is gaining momentum. There have been individual elements of a holistic strategy that have made in-roads into the conversation brokers are having with their clients. Concepts such as Financial Wellness (which is the current headline gaining momentum from rising student loan debt), Physical Wellness (the traditional wellness program with the benefit plan), Emotional Wellness (employee assistance programs) and Social Wellness (team building, corporate volunteerism) are all approaches that are focused on providing support to the employee.

Once again, employers have been implementing these strategies individually tailored or siloed. **The missing ingredient is the integration and coordination of the programs – a sort of safety net that wraps around the employee.** In broad terms, these are the components that make up the safety net for employee wellbeing are:

**FINANCIAL WELLNESS**

**SOCIAL WELLNESS**

**EMOTIONAL WELLNESS**

**PHYSICAL WELLNESS**

Why should these wellness components be implemented as an integrated approach? In looking at these components, what should be obvious is that they are interrelated. Looking back at the High Impact Life Event chart, we can see not only the impact a life event can have collectively on the wellness components, but that as a person is experiencing a major life event, a shift in balance in any one of these areas can have an impact upon one or more of the other components. If an employer is only focusing on one or maybe 2 of the holistic wellness components, they should recognize that their current silo approach to bring strategies to address only say for example, the traditionally physical wellness component their outcomes may not be optimized because of the issues the employee is dealing with in the other categories.

Taking a holistic approach will enable employers to meet the specific needs of their employees at the time of need; not based upon a perceived need and time assumed by the employer. As an employee, knowing that a company cares about them as an individual and not just a number can be beneficial in how the employee responds to high impact events both in and outside of the workplace.

## **TOOL: HCM HOLISTIC WELLBEING PLAYBOOK**

Request this tool from your Trusted Health & Welfare Benefit Advisor





# INSURANCE AND COVERAGE CONSIDERATIONS

## Health & Welfare

More than 50% of Americans will be diagnosed with mental illness at some point in their lifetime. Stress is a known contributing factor to depression, anxiety and other mental health illnesses. If employers are to be maintaining a holistic wellbeing culture that focuses on the physical, financial, emotional and social wellness, advisors can support the emotional wellbeing employers offer through strategizing on mental health benefits solutions and providing for an Employee Assistance Program (EAP).

Employers – regardless of size or industry - should be aware of warning signs that unsafe behaviors are occurring and how to coordinate with Human Resources for taking appropriate action with the employee as well as safeguarding the workplace. While some behaviors maybe more obvious than others, warning signs that stress levels are rising would include:

- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
- Numerous conflicts with supervisors and other employees;
- Statements indicating desperation (over family, financial, and other personal problems to the point of contemplating suicide);
- Drug/alcohol abuse; and
- Extreme changes in behaviors.

Employees should be made aware of the mental health provisions that come with their health insurance benefits. Many times, only the doctors and hospitals, deductibles and co-pays are the discussion points. Employees should also be made aware of available Leave of Absence policies and coordination with benefits and any Coordination of Care services.

## Employee Assistance Programs

An EAP program should be a visible face to the employee population. This should not be just a one-time meeting at annual enrollment but included throughout the year for supervisor training (for both awareness and making referrals) and employee awareness of the benefits and availability of the programs offered. The agenda for these meetings can include techniques for stress management, building successful teams, diversity in the workplace, and preventing harassment training. Well-designed EAP's also offer financial wellness education, grief support, substance abuse counseling. The EAP should become a familiar face to all.



Most EAPs offer services that can assist employers prepare for, prevent and/or respond to incidents of workplace aggression and violence. HR should consult with their EAP vendor to determine which of the following offerings are available and how they can be accessed:

**On-Demand Content:** EAPs generally have a library of on-demand content including tip sheets, brief articles or videos that can be accessed by covered employees and their family members. These may include information on topics that can be useful to prevent aggression or violence, such as information on anger management, responding to domestic violence, conflict resolution skills, and violence prevention. Information for supervisors and managers may include information on recognizing the signs and symptoms of domestic violence or ways to defuse aggression in the workplace. HR Departments may be able to access model policies on workplace conduct, weapons in the workplace, collaborating with unions to address workplace violence and supporting employees who have filed a protective order against another person.

**Workplace Trainings:** Usually offered on a fee-for-service basis, many EAPs offer onsite training sessions by experts on a wide range of topics. These may include sessions for all employees or may be limited to supervisors and managers or HR. Lunch and Learn presentations to all employees on topics such as effective communication and conflict resolution, for example, may help to defuse potential workplace violence; sessions on identifying and addressing workplace harassment or aggression can help supervisors feel more confident intervening in difficult situations; and expert advice on managing workplace aggression through a disciplinary process may be beneficial for HR personnel.

**Management Consultations:** One frequently overlooked service offered by most EAPs is the opportunity for supervisors and managers to speak directly with a licensed professional about employees or situations that are concerning. These are usually provided at no additional cost as part of the EAP and allow people managers to get input from experts on difficult situations involving employees. One of the most common uses of these consultations is to discuss workers who may be exhibiting signs of aggression in the workplace. The EAP consultant will work with the people manager to develop a plan for addressing the situation and give concrete suggestions for how to approach and speak with the employee in question.

**Mandatory Referrals:** EAP contracts frequently include an option for people managers or HR Departments to require an employee to attend an assessment with an EAP consultant. In these situations, the employer may be able to make attendance a condition of employment and may require the employee to sign an authorization for use or disclosure of the information they provide to the EAP. This allows employers to get an expert assessment and professional opinion related to a worker's risk of aggression and/or violence, as well as recommendations for how to handle that risk.

**Critical Incident Stress Management:** Virtually all EAPs offer Critical Incident Stress Management responses following incidents of significant workplace aggression or violence. A trained professional or team of professionals will meet with impacted employees immediately following an incident to mitigate its impact and to provide support employees' recovery from the trauma. They may also offer sessions for employees to learn about the grief process and engage in a healthy dialogue about their reactions to a crisis.

**Clinical Counseling:** The core offering of EAPs, clinical counseling by licensed professionals, is frequently a key component of an employer's response to workplace violence. Employees impacted by the incident, whether directly or indirectly, are able to meet with a counselor to discuss their thoughts and feelings about it in a way that allows them to minimize the impact on their lives.

**Other Services:** Other services may be offered by specific EAP vendors, so the HR Benefit Director should ask their EAP provider or trusted advisor if there are other ways they can collaborate to address the risk of workplace violence.





# PROPERTY AND CASUALTY INSURANCE (P&C)

P & C coverage can help an employer mitigate costs associated with workplace violence. The following are several options employers should look at having in place:

## General Liability

General liability insurance protects you as business owner and your business from personal liability damages and bodily injury claims. It can help cover any medical expenses and attorney fees where your company may be legally responsible for damages and injury caused by your products, services or operations.

### **Be aware and talk to your P&C advisor regarding the certain exclusions including:**

- may not respond unless the insured is deemed to be “liable” for the event.
- may not respond to personal attacks against customers or other third parties.
- typically excludes employees, and damage to property or business interruption, terrorism, and has no crisis management component.

## Business Interruption and Extra Expense

Business interruption insurance (BI) replaces income that is lost to when a business is halted due to physical loss such as natural disaster or fire. Coverage continues until the end of the business interruption period. This is an add on or rider to a property casualty policy. Employers should be aware of what exclusions coverages are not available for.

Extra Expense is an additional coverage to business interruption coverage insurance and is for reasonable and necessary expenses to continue operations over and above the expenses the Insured would have normally incurred had there been no direct physical loss of damages caused by a covered loss. Exclusions also apply for extra expense coverages.

Again, certain exclusions may apply that you should discuss with your P&C provider:

- BI may not respond unless the event results in actual “damage” to your Building or Contents. The business may need to close solely due to injuries or death.
  - If law enforcement or civil authority determines your business must remain closed for a period of time (despite no damage to property), you may not have coverage for your loss of Business Income.
  - If your business needs to relocate after an attack, your Property policy may not pay unless there was some actual “damage” to your Building or Contents





## Workers Compensation Insurance

Workers compensation insurance is a business insurance that provides medical and wage benefits to employees who suffer a work-related injury or illness.

Exclusions that may apply which employers should discuss with their P & C provider.

- WC may not cover personal attacks on an employee with a clear motive that is not related to the workplace.
- WC typically does not pay extra expenses to recruit or train new employees present during an attack who are unable to continue working after the event.
- Typically will not cover property damage, crisis management or injuries to any third party.

## Terrorism Insurance

The [Terrorism Risk Insurance Act](#) (TRIA) requires that insurance covers provide terrorism coverage to insured. TRIA is currently in effect until December 31, 2027. Coverage is provided for both foreign or domestic acts of terrorism that are certified by the Secretary of the Treasury, the Secretary of State, and the Attorney General of the U. S. when an incident meets the following criteria:

- It is considered an act of terrorism.
- It is violent or dangerous to human life, property, or infrastructure.
- It results in damage within the United States, (including US air carriers, vessels, and/or US missions, as described in the Act).
- It is committed by an individual or individuals, as part of an effort to coerce the US civilian population or to influence the policy or affect the conduct of the US government by coercion.
- The event must generate at least \$5 million in Property and Casualty losses

**NOTE:** There has never been an event certified since 9/11/2001; the Boston Bombings was not a certified terroristic act.

For additional consideration for related business insurance questions to cover with your property and casualty advisor:

- Most policies have no provisions for crisis management.
- Your current insurance may not pay for an event crisis response team, victim counselling or funeral costs of your employees, customers, visitors, students, patients, etc.
- Your current insurance may not pay for an approved security consultant or any increased security that may be needed after an Active Shooter/Active Assailant Event.







# WORKPLACE CULTURE

## Promoting a Positive Safety Culture in the Workplace

OSHA prescribes that employers should: (1) maintain a zero-tolerance policy of behaviors that would likely cause death or serious physical harm; and (2) that the policy includes a grievance process through which an employee has the ability to report claims of behavior or safety violations.

An employer's policy should begin at the recruiting state by conducting background checks and drug testing for all employees. If there is a history, employers should be aware that such exists and take appropriate hiring action. Criminal or civil liability may exist for an employer if they knew or should have known behavior existed and they did nothing towards preventing possible behavior from occurring at the new workplace. Employers should also check and follow state/local laws for running background checks and consult with Human Resources and/or their employment attorney if hiring someone with a criminal history.

A zero-tolerance Workplace Prevention policy should not only include physical violence and homicide but threats, bullying, and verbal abuse as well. These should just not be line items in an unacceptable behavior policy. Policies should include training for supervisors, employees, and be coordinated with building managers, local law enforcement, hospitals, etc. so that employees are proactively prepared to respond appropriately.

Taking a strategic zero tolerance stance, Human Resources should coordinate the Workplace Violence Prevention policy along with EEOC, Diversity & Inclusion, an Open-door Communication policy and Conflict Resolution policies and most importantly an Evacuation Plan for a well-rounded safety approach. Annual employee training should be included with dissemination of the policies.

## Performance Management

EAP's can also be a part of a performance management process. While employees may be going through stressful situations, and employers should have compassion, there is also the reality that quality performance is still required. A supervisor referral can include discussion with the EAP on the performance standards that need to be brought up to par. While the supervisor is not a party to the EAP/employee discussions, the supervisor can have check-ins to identify if workplace performance goals are being achieved. The advisor along with the human capital management consultant can help design an EAP program that provides for this level of communication.



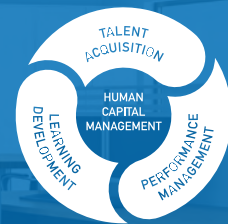
Supervisor training should also include awareness of potentially violent warning signs and how to coordinate with Human Resources for safeguarding the workplace. While some behaviors maybe more obvious than others, warning signs would include:

- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior;
- Numerous conflicts with supervisors and other employees;
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons;
- Statements showing a fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides;
- Statements indicating desperation (over family, financial, and other personal problems to the point of contemplating suicide);
- Drug/alcohol abuse; and
- Extreme changes in behaviors.

While no industry is immune from the potential hazards, there are some industries which workplace violence maybe more prevalent. [These industries include:](#) workers who exchange money with the public; deliver passengers, goods, or services; or work alone or in small groups, during late night or early morning hours, in high-crime areas, or in community settings and homes where they have extensive contact with the public. This group includes healthcare and social service workers such as visiting nurses, psychiatric evaluators, and probation officers; community workers such as gas and water utility employees, phone and cable TV installers, and letter carriers; retail workers; and taxi drivers. OSHA provides [guidelines](#) for managing risk in these high profile industries.

Although OSHA has no standard in place for regulating workplace violence there are several states who have implemented standards for the healthcare and social employer industry, two industries with the highest occurrences for workplace violence. Human Resources should be aware of and stay updated on both federal and state regulations for the prevention of workplace violence.





# ACTIVE SHOOTER RESPONSIVENESS

## Safeguarding Against An Active Shooter

No employer wishes to ever have to go through an active shooter incident. Employers though need to have a proactive approach to having employees and the worksite ready in case such an incident does occur. There never should be an attitude of *“this will never happen to us.”*

According to the Federal Bureau of Investigation, in 2019, there was a total of **28 active shooter incidents** in the United States and these occurred in various settings with only 5 that occurred in other than a place of public, private, government or other business operations.

## Incidents by Location Type



Commerce: 12



Education: 3



Government: 4



Open Space: 5



Residence: 0



House of Worship: 2



Health Care: 2



Other: 0

**An active shooter is defined as an individual engaged in killing or attempting to kill people in a confined and populated area.**

Active-shooter incidents often occur in small and medium-sized communities where police departments are limited by budget constraints and small workforces. The average active-shooter incident lasts 12 minutes. Thirty-seven percent last less than 5 minutes. Overwhelmingly, the offender is a single shooter (98 percent), primarily male (97 percent). In 40 percent of the instances, they kill themselves.



Other alarming statistics:

- Two percent of the shooters bring IEDs as an additional weapon.
- In 10 percent of the cases, the shooter stops and walks away.
- In 20 percent of the cases, the shooter goes mobile, moving to another location.
- Forty-three percent of the time, the crime is over before police arrive.
- In 57 percent of the shootings, an officer arrives while the shooting is still underway.

The shooter often stops as soon as he hears or sees law enforcement, sometimes turning his anger or aggression on law enforcement. Patrol officers are most likely responding alone or with a partner. When responding alone, 75 percent had to take action. A third of those officers who enter the incident alone are shot by the intruder.

## Profiles and Characteristics

The Federal Bureau of Investigation profiles perpetrators of mass shootings and identifies the typical characteristics. Shooters are often but not always suicidal. Most shooters make no attempt to hide their identity. In some cases shooters pick their location for a tactical advantage. Their desire is to kill and seriously injure without concern for their safety or threat of capture and they normally have intended victims and will search them out. Unfortunately, they also accept targets of opportunity while searching for or after finding intended victims continuing to move throughout building/area until stopped by law enforcement, suicide, or other intervention.

As all actions are justified in the mind of the active shooter there is no remorse in the mind of an active shooter and most active shooters have prepared for the day of the attack.

## Situations and Assumptions

Active shooter situations are unpredictable and evolve quickly there are times when Individuals must be prepared to deal with an active shooter situation before law enforcement personnel arrive on the scene. Individuals can expect to hear noise from alarms, gunfire and explosions, and people shouting and screaming. The natural human reaction is to be startled, feel fear and anxiety, and even experience initial disbelief.

The following response actions are trainings that employers incorporate into their Workplace Violence policy.

## Run, Hide, Fight Active Shooter Response

### RUN

- Immediately evacuate the area
- Have an escape plan in mind that is accessible
- Evacuate even if others refuse to follow
- Leave your belongings behind
- Do not attempt to remove wounded or deceased persons

### HIDE

- Seek a secure place where you can hide and/or deny the shooter access
- If evacuation is not possible, find a place to hide where shooter is least likely to find you or have access to you
- Lock doors – block doors with heavy furniture
- Be out of shooters view - stay quiet



- Hide behind large objects to provide protection
- Silence cell phone
- Call 911 if can do it without being detected
- Leave line open for dispatcher to record and listen

## FIGHT

- Make the personal decision to try to attack and incapacitate the shooter to survive
- As a last resort, and only when your life is in imminent danger, attempt to disrupt or incapacitate the active shooter
- Act as aggressively as possible against the threat
- Throw items, yell and scream loudly to disrupt the assailant
- You **MUST BE WILLING** to incapacitate and if necessary, use lethal force

## Police Arrival

The first objective of police is to eliminate the threat. Police will overlook the wounded or dead until the threat is eliminated. Other responders will attend to victims. As police do not know which person(s) represent the threats - all persons are considered threatening. Police may also use pepper spray and may have heavy weapons such as AR-15s and shotguns and will shout commands in a loud voice.

Employees should remain as calm as possible and follow all commands without resistance.

- Put down any items you may be holding
- Avoid any quick movements toward officers
- Keep hands visible at all times with fingers spread

Employees will be asked to give information to law enforcement

If known the following should try and be determined

- Location of shooter (if you actually know)
- Number of shooters
- Number of victims
- Description of shooter and weapons (Rifle, Shotgun, Handgun) you don't have to be specific

## Expectations and Realities

- Law enforcement is not immediately present
- Initial disbelief and denial is common
- Fear and anxiety will challenge appropriate response.
- Cognitive thinking is diminished as the heart rate increases
- Delayed response is common
- Unless you are injured...you will not be leaving anytime soon.
- Even if you did not use your phone to take pictures or videos...you are now a material witness.
- The emotional aspects related to the sense of loss and carnage will be devastating.
- For many...the emotional trauma suffered at such an incident creates ongoing emotional issues.



## Emergency Evacuation Plan

All employers should have an emergency evacuation plan in place. [Realtime Networks](#) suggests the following steps be taken in creating your Emergency Action Plan:

- 1. CREATE AN OVERALL EMERGENCY ACTION PLAN**
- 2. COORDINATE WITH EMERGENCY SERVICES**
- 3. ASSIGN EVACUATION ROUTES AND MUSTER POINTS**
- 4. DESIGNATE AN EMERGENCY RESPONSE TEAM**
- 5. HAVE THE RIGHT TOOLS ON HAND**
- 6. KEEP IT SIMPLE**
- 7. PROTECT EVERY INDIVIDUAL IN YOUR FACILITY**
- 8. CONDUCT EVACUATION DRILLS**

**TOOL: OSHA provides a step-by-step guide for implementing your Emergency Evacuation plan.**

## Conclusion

Every situation that garners media attention is an opportunity for employers to be vocally sympathetic and empathetic to the situation, recognizing that it could happen in their place of business or in their community at any time. Employers should inform employees regularly that they take such situations very seriously and use opportunities to review the Workplace Prevention Policy with employees periodically. Employers can also provide a reminder of Employee Assistance Program (EAP) and mental health provisions of their health plan. If workplace violence has occurred in their community, the EAP should be brought on site to help employees through the emotional upheaval both through overview meetings and confidential one-on-one meetings.

To recap, while preventing workplace violence may not always be guaranteed the best practices employers should adopt are:

- Develop, train and maintain a Workplace Violence Prevention Policy and Weapons Policy
- Coordinate response plan with building owners, local police department, hospital
- Follow your state/local procedures for conducting background checks on all applicants
- Conduct pre-employment assessment testing
- Performance Management – clear communication
- Use Mental Health benefits including Employee Assistance Programs
- Maintain a holistic wellbeing culture that focuses on the physical, financial, emotional and social wellness of your employees.
- Know your employees





# WORKPLACE POLICIES

**THE FOLLOWING ARE A SAMPLE OF FACTORS THAT SHOULD BE CONSIDERED WHEN CREATING YOUR WORKSITE POLICIES.**

**EMPLOYERS WILL ALSO WANT TO REVIEW ANY RELEVANT STATE LAWS THAT APPLY TO THEIR ORGANIZATION.**

**[REMOVE OR EDIT THE FOLLOWING INFORMATION AS IT APPLIES TO YOUR ORGANIZATION.]**





# HARASSMENT POLICY PROHIBITION

## TOOL: WORKPLACE HARASSMENT PREVENTION POLICY

As an Equal Employment Opportunity Employer, the Company has a zero-tolerance policy for and prohibits abusive conduct or harassment directed towards anyone, including derogatory comments, slurs, statements, jokes, or other objectionable behavior based upon a person's race, age, sex, color, religion, disability, ethnicity, or other protected status.

### Sexual Harassment

The Equal Employment Opportunity Commission has issued rules and regulations that define what constitutes sexual harassment, and the Company strictly prohibits sexual harassment including the following:

- making unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature, a condition of the employee's continued employment
- making submission to or rejection of such conduct the basis for employment decisions affecting the employee
- creating an intimidating, hostile or offensive working environment by such conduct.

**Supervisors' Responsibilities.** All supervisors are expected to ensure that the work environment is free from sexual and other harassment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes severe or pervasive.
- Make sure the Human Resources Department is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment is not permitted.

**Complaint Procedure.** Employees who believe that they have been the subject of any harassment including, but not limited to, sexual harassment should report the alleged act immediately to the Company President.

Upon presentation of the complaint, a prompt, thorough and impartial investigation will be undertaken immediately. All employees are expected to cooperate fully with any ongoing investigation regarding a harassment incident. Employees who believe they have been unjustly charged with harassment can defend themselves verbally or in writing at any stage of the investigation.



To protect the privacy of persons involved, confidentiality will be maintained throughout the investigative process to the extent practicable and appropriate under the circumstances. Investigations may include interviews with the parties involved, and, where necessary, individuals who may have observed the alleged conduct or who may have relevant knowledge.

At the conclusion of a harassment investigation, the complainant and the alleged “harasser” will be informed of the determination. Any employee who has been found, after investigation, to have harassed another employee in violation of this policy will be subject to appropriate discipline up to and including immediate termination of employment at the sole discretion of the Company.

**Non-Retaliation.** The Company not only prohibits harassment but also strictly prohibits any retaliation against an employee who, in good faith, has registered a complaint under this policy. Any employee who, after investigation, has been determined to have retaliated against any employee for utilizing the complaint procedure in this policy will be subject to appropriate discipline up to and including termination. Employees believing that they have been retaliated against for exercising their rights under this policy should use the complaint procedure as set forth above.





# EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION COMMITMENT

## TOOL: EEO and AFFIRMATIVE ACTION POLICY

Most fine sounding statements issued by firms in the past decade have not substantially improved job opportunities for employees, minorities, or women. A written statement is only a beginning. To be effective, the statement's provisions must be enforced by top management, and all employees should be made aware that Equal Employment Opportunity is a basic Company policy. The Company is committed to a vigorous pursuit of these goals.

We reaffirm equal opportunity in employment as the rule in this Company, not only because it is the law or to gain social approval, but because we know it is right. Our policy is to observe both the letter and spirit of the law. An equal job opportunity for all applicants and employees means total exclusion on our part of discrimination in employment because of race, color, religion, national origin, sex, disability, age, genetic information, military status and other protected class as defined by federal or applicable state law.

This positive attitude applies in the areas of employee recruitment, employment, promotion, demotion, pay and other compensation, training, working conditions, and termination of employment. At the core of our policy is good faith and commitment to a vigorous role in a solid action equal employment program.





# COMMITMENT TO DIVERSITY

## TOOL: DIVERSITY & INCLUSION POLICY

The Company is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the business and are valued for their skills, experience, and unique perspectives. This commitment is embodied in company policy, the way we do business and is an important principle of sound business management.





# AMERICANS WITH DISABILITIES ACT

## TOOL: AMERICANS WITH DISABILITIES POLICY

The Company complies with the Americans with Disabilities Act (“ADA”) and other applicable laws prohibiting discrimination against qualified employees and applicants for any terms, privileges, or conditions of employment because of a disability.

We will attempt to reasonably accommodate qualified individuals with disabilities unless doing so would create an undue hardship. Qualified applicants or employees with disabilities requiring a reasonable accommodation to perform the essential functions of the job should contact Human Resources to make a request. The individual may be asked to put their reasonable accommodation request in writing. Upon receipt of the request, we will make reasonable efforts to engage in an interactive dialogue to identify how a disabled individual can perform the essential functions of the job. Per applicable laws, the Company may require written certification from a healthcare provider of the employee’s need for reasonable accommodation. Please direct any questions to the Human Resources Department.







# OPEN DOOR POLICY

## TOOL: OPEN DOOR POLICY

Under our Open-Door Policy, employees are encouraged to bring their work-related problems to the attention of their supervisor and/or management. The purpose of our open-door policy is to encourage open communication, feedback, and discussion about matters of importance. We recognize that in any work environment, difficulties and misunderstandings may arise. The quicker they are resolved, the less complicated they are likely to become.

Should any employee have a question, a complaint, a suggestion, observation, or area of concern involving your work relationship, we encourage you to first discuss the matter with your immediate supervisor.

An open-door policy though means that an employee may also discuss their issues and concerns with their Manager. Employees will find supervisors at all levels of the organization willing to listen and to help bring about a solution or a clarification which may be needed to foster employee understanding of our policies and practices.

The open-door policy includes the assurance that an individual employee who chooses to talk to any level of management will experience no retaliation or interference from the employee's immediate supervisor.





# CONFLICT RESOLUTION PROCESS

## TOOL: CONFLICT RESOLUTION POLICY

The Company is committed to creating and maintaining a work environment that is constructive, productive and encourages supportive relationships. Such relationships are sometimes subject to different points of view and to contrasting styles of understanding and behavior.

Employees have an obligation to communicate openly and respectfully with one another and to provide reasons for decisions or actions. When disagreements arise, greater understanding by all is needed. The presence of conflict, if dealt with effectively, offers an opportunity for individual and organizational learning including the identification of policies and practices that need to be improved.

The Manager is ultimately responsible for ensuring that conflicts involving staff and volunteers are resolved in a satisfactory manner. The Manager has a duty to inform the President of any conflicts that impinge on the organization's ability to function or may damage its reputation.

Conflicts should be addressed at the earliest possible opportunity as unresolved conflict can lead to a stressful, and in the worst cases, a poisoned work environment. In the event that any person or group is experiencing a work-related conflict or has a complaint about the actions of another person, the following guidelines will apply:

1. Communicate directly with the person or persons whose actions are the cause of the complaint. People should reasonably expect to know if their behavior or their decision is a problem for another person or group.
2. If the circumstances are such that the person with a complaint is unable or unwilling to communicate directly with the person or persons whose actions are the cause of their complaint, either for fear of it going badly, or of reprisal, the help of the Supervisor should be sought.
3. The Manager will resolve complaints and conflicts that cannot be resolved by those directly involved or their supervisor.
4. In circumstances where it is the action of the Regional Manager that is reason for the conflict, the President may address the complaint.
5. Communication of the complaint or conflict shall first be made verbally to the source. If this does not lead to a resolution that is satisfactory, the nature of the complaint should then be communicated in writing to the Supervisor. If this fails to result in a resolution or the complaint is regarding the Supervisor, the written complaint should be sent to them.





6. Third parties, may be of assistance in helping resolve the conflict where the goal is to help the parties restore a positive working relationship.
7. Complaints and conflicts shall be dealt with in a confidential manner. Meetings to resolve a complaint shall be open only to the parties and those attempting to resolve the complaint.
8. The parties, and those helping to resolve the conflict, should avoid communicating the details of a complaint, making or responding to allegations or giving advice by e-mail. Face-to-face communication should be relied upon. E-mail messages can be used for arranging meetings or communicating details of the resolution process.
9. The Company has an obligation to act immediately in addressing a complaint if the physical and mental health and safety of any of the parties is perceived to be at risk. In doing so, one of the parties may be granted a temporary leave of absence with pay until the issue has been satisfactorily resolved or for up to two weeks, whichever is shorter.
10. If threats to persons are made, or the Company perceives a possible danger to a party or to other employees, including the possibility of one party being a danger to themselves, external professional assistance must be sought immediately.





# PERFORMANCE IMPROVEMENT PROCEDURE

## TOOL: PERFORMANCE IMPROVEMENT PROCEDURE

Laws are made so that people can live together peacefully, with respect for their personal and legal rights. Company policies are made for the same reason. The Company expects employees to comply with its standards of behavior and performance and to correct any noncompliance with these standards. Under normal circumstances, the Company endorses a policy of performance improvement in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. The Company does retain the right to administer corrective action in any manner it sees fit and may accelerate any portion of the following process up to and including immediate termination of employment.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

**Step 1: Informal Discussion.** When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

**Step 2: Counseling.** If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present their views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a counseling notice to the employee.

**Step 3: Suspension.** Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the Regional Manager and Human Resources. An employee may be suspended with or without pay and an investigation of the incidents leading up to the suspension would be conducted to determine if any further action should be taken.

**Step 4: Termination of Employment.** Failure to improve performance or behavior after the informal discussion or counseling notice or suspension can result in termination of employment.





# FIREARMS AND WEAPONS

## TOOL: FIREARMS and WEAPONS POLICY

The Company is committed to providing a safe, healthy work environment, and making adequate provisions for the safety and health of our employees, clients, and the public. Accordingly, company policy prohibits employees from possessing, carrying, trading, or showing weapons of any kind, including firearms, fireworks, guns, explosives, bows, and arrows, knives, etc.,

- while on duty,
- while operating Company vehicles or equipment,
- While on customer property;
- in any company vehicles, including company vehicles operated by a valid permit holder;

Additionally, company policy prohibits non-employees from possessing firearms or ammunition anywhere on Company property.

Following applicable laws, the Company reserves the right, based upon reasonable suspicion of a violation of this policy, to search an office desk, and other property under the control of the employee, as well as the packages, purses, lunch boxes, and briefcases.

Reasonable suspicion sufficient to justify a search may be based on a clear and reasonable belief, through observation or information provided by a reliable and credible source, that an employee violates this policy.

The evidence and corrective action must be approved by the management team. Searches of Company property under the control of the employee are subject to being conducted without notice to the employee, once the reasonable suspicion standard has been met as determined by management.





# WORKPLACE VIOLENCE POLICY

## TOOL: WORKPLACE VIOLENCE PREVENTION POLICY

The Company expects and requires all employees to display common courtesy and respect for others and to engage in safe and appropriate behavior at all times.

Any involvement in incidents of physical violence is considered unacceptable behavior which violates this policy. “Physical violence” means any unwanted or hostile contact such as hitting, fighting, pushing, shoving, slapping or throwing objects.

Racial or ethnic slurs, sexually harassing remarks, threats of violence, and any other provocative comments, language, or actions also violate this policy and will not be tolerated. A “threat of violence” means an expression (verbal or otherwise) of a present or future intention to cause physical harm. Individuals who threaten violence or otherwise engage in provocative conduct towards co-workers, clients, vendors or other individuals ordinarily are held at least equally at fault for an ensuing physical altercation, even if they do not strike the first blow or otherwise initiate a physical confrontation. Prohibited conduct includes, but is not limited to:

- Striking and/or injuring another person physically;
- Engaging in behavior that creates a reasonable fear of injury in another person including bullying behavior.
- Possession, brandishing, or using a weapon while on the Firm’s premises or engaged in its business;
- Intentionally damaging office property, property of employees, clients, visitors or the general public;
- Threatening to injure an individual or to damage property;
- Verbally threatening behavior, such as direct or veiled threats of violence;
- Harassment or sexual harassment that blurs into conduct threatening an individual’s safety, including unwanted and offensive physical touching and stalking;
- Threats or intimidation that create fear or extreme emotional distress;
- Inappropriate, unprofessional, intimidating or obscene telephone calls on or off duty.

This policy applies to employees while on Company premises, whether they are on or off duty; to employees traveling on business; to employees on duty but off the premises; and to employees while off duty where the violence, threats of violence or other violations of this policy are directed toward a fellow employee, customer, or other individual and there is a connection to work or the work environment.



The Company will promptly investigate any physical or verbal altercation, threats of violence, or other conduct by employees that threatens the health or safety of other employees, clients, or the public or otherwise might involve a violation of this policy. All complaints will be investigated in a timely manner. Information will be released only to those persons directly involved in the investigation, to law enforcement as necessary, and confidentiality will be maintained to the extent possible.

All employees have a duty to warn their supervising manager, or Human Resources of any workplace activity, situations or incidents that they observe or are aware of involving other employees, customers, and visitors and which appear to violate this policy. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like.

The Company prohibits any form of retaliation against any employee for making a report or participating in any investigation under this policy, and individuals have an immediate duty to report any retaliation they experience or observe to one of the above named individuals.

The Company may seek prosecution of those who engage in violence on its premises or against its employees while they are engaged in business.







# CONTRIBUTORS



## **Renae Hall**

Vendor Manager

Renae Hall is a vendor manager at The Standard, where she is responsible for selecting vendors that provide services associated with The Standard’s employee benefits and is responsible for managing those relationships. One of her main focuses is EAP. She has been with The Standard for 26 years and spent the last 5 years as a Vendor Manager, in Product Marketing. Prior to her role as Vendor Manager, she spent most of her career in People Management.



## **Dan Jolivet**

Workplace Possibilities Practice Consultant

Dan Jolivet is the workplace possibilities practice consultant at The Standard, where he provides leadership, analysis, and consultative insights into the workplace possibilities service line. He provides specialized focus on behavioral health, stay at work, return to work, ADAAA services, health management integration, and other related employer solutions. He is a clinical psychologist licensed in Georgia and Oregon, and he has worked in behavioral health since 1980. He joined The Standard in 2016 as the Behavioral Health Director.



## **Bobbi Kloss**

Director, Human Capital Management Services

With more than 20 years of Human Resource Generalist & Executive Level HCM Management experience, Kloss serves as the Director for the Human Capital Management Services Department for Benefit Advisors Network (BAN). With a deep understanding of the increasingly complex and diverse HR industry, Kloss provides her expertise to BAN’s employee benefit brokerage members as well as their employer clients. She oversees all HR-related functions for the association, initiating pro-active, strategic compliance practices, which limits exposure in all areas of potential liability for BAN members and their clients. Her analytical, process, and project management techniques allow her to adapt quickly to culture and industry, offering solutions to all HR issues.



## **Jade Simmers**

Director of Risk Management

Jade Simmers joined HMK Insurance in January of 2018 to begin the HMK Risk Management Department. Jade has 25 years of experience in Health & Safety/Risk Management and has worked in both the fields of construction and general industry. Jade has been working in the insurance industry for the last eight years and has worked for both insurance carriers and brokers. In his current role, he works with HMK commercial clients to assess, address, and mitigate safety-related and OSHA-regulated hazards. To HMK clients, Jade has provided regulatory programs & training, job-site & facility hazard inspections, safety committee facilitation, accident investigation, and on-call consulting. Jade actively participates in the Eastern Pennsylvania Chapter of ABC and the Lehigh Valley Safety Committee, where he is frequently a guest speaker. Jade is an OSHA Outreach trainer for both Construction & General Industry and holds an Advanced Safety Certificate with the National Safety Council.

