



## WRESTLING WITH WORKPLACE VIOLENCE

Careful hiring, thorough training, compassionate terminations can reduce risk

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For many, the murder of Yale graduate student Annie Le should have served as a wake-up call: if workplace violence can occur in the “ivory tower,” it can occur at any workplace.

The question now is: what steps should employers take to reduce the risk of workplace violence and minimize possible liability? Of course, the worst harm is physical injury, but there is also the economic harm employers suffer when employee morale crashes, business is disrupted, or a large judgment is awarded based on a workplace violence-related lawsuit. Below are steps employers should take to reduce the risk of both types of harm.

### Workplace Violence Policy

The first step is to create a workplace violence policy and publish it in the employee handbook. While the details may vary depending on the needs of the organization, every policy must convey the company’s zero tolerance for workplace violence and commitment to keeping the workplace safe for everyone. Among other things, the policy should specify who to contact to report any threat or act of violence and how “violence” is defined. Are threats included? What about “jokes?”

Keep in mind, a well-drafted workplace violence policy can be a blessing or a curse. If it is properly followed and enforced, it will help keep workplace violence nightmares from becoming reality and may save an employer in court. But a brilliant policy that goes unheeded by management tells

employees (and the courts and juries) the company is really not concerned about workplace violence. Moreover, unheeded policies are a plaintiff’s road map to all the steps the employer failed to take.

### Train Everybody

The next step is a good training program. A lot of damage is done when people do nothing out of fear of insulting someone or impinging on his or her privacy. Then after tragedy strikes, employees recount, “Well, there was this time when I saw...” or, “You know, I always felt uncomfortable when he...”

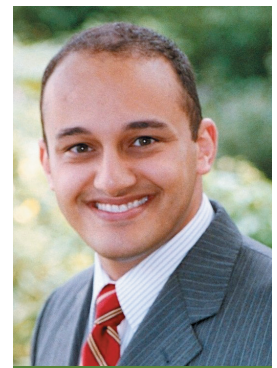
In Yale’s case, news outlets report that the suspect, Raymond Clark III, was a “control freak” who, among other things, grew angry with lab workers who did not follow the rules. It appears no one said anything about this until after Annie Le was killed. Training can overcome such inhibitions. All employees should be trained to recognize the warning signs, trust their perceptions and report what they see immediately. In turn, supervisors and managers must be trained to properly respond.

### Have a Plan

When facing a workplace violence emergency, an emergency response plan can help prevent panic and possibly save lives. While everyone should have a plan, the magnitude will depend on the circumstances. Here are a few questions employers should consider: Is there a history of violence in this community? Should there be panic buttons? Does the phone system



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allow for easy dialing of 911? Employers should be sure to tailor their plan based on their industry and community.

### Careful Hiring

Every company wants to hire the right employee. Proper training can not only help interviewers identify those who are a good fit, but also help them avoid hiring a dangerous person. Depending on the industry (e.g. child care), a background check may be required, and an inadequate background check may be the basis for a negligent hiring claim. Obviously, employers must comply with all anti-discrimination laws and, if conducting background checks, possibly the Fair Credit Reporting Act.

An often missed aspect of training is teaching how to honestly and accurately describe the work environment. For example, a candidate who cannot handle rejection may nevertheless accept a position making cold calls because the interviewer convinced him that “it’s not so bad.” The employee then goes on to experience tremendous stress as people routinely shout obscenities and hang up the phone. No good will come from such

a hire. Part of interviewing is to encourage candidates to not follow through if they learn the job is not right for them.

### **Enforcement**

Proper enforcement of the company's workplace violence policy is crucial to both preventing workplace violence and liability. For example, when an employer ignores an employee with a violent track record, that employee may injure a co-worker, and the employer may be liable for negligent retention (i.e., the employee should have already been fired for previous violations).

All reports of threats or acts of violence must be properly investigated and addressed.

An appropriate response to a minor incident (e.g., yelling at a coworker) may avoid escalation down the road. Also, addressing such incidents may help management realize a problem is brewing and take appropriate precautionary steps.

### **Employee Assistance Programs**

One question employers should consider is whether to have an Employee Assistance Program. An EAP is a benefits program employers can purchase (like an insurance policy), consisting of a set of pre-paid services by experts in various fields. When employees are facing

a stressful event in their lives — especially outside the workplace — an EAP can help.

If an employee is considering filing bankruptcy, for example, an EAP may provide a couple of hours of free credit counseling. An EAP could also provide an employee overwhelmed by difficulty at home with free calls to a therapist. Anger management services may also be part of the EAP. By helping employees deal with stressful situations early, an EAP can prevent some of the frustrations that may lead to workplace violence.

### **Terminations**

Losing a job is devastating to many, and for some, it may be enough trigger a violent response. This is why management must be trained to properly handle terminations. For example, helping the employee maintain self-respect can be a huge issue. Toward this end, employers should consider letting someone go at the end of the day when no one may notice. But beware, if no one is there to notice the employee depart, no one may be there to help if the employee gets out of hand.

Another aspect of the self-respect issue is whether management can describe the discharge as not a reflection of the employee's character, but rather the economy, a change in the business needs, etc. While terminations

should never be easy, such steps can help.

As for the best day for terminations, while many consider it to be Friday, that is probably the worst day. Letting employees go at the end of the week leaves them waiting until Monday to start working on getting a new job (although the Internet has made it easier to get started over the weekend). Letting employees go during the week allows them to spend the remaining weekdays starting to bounce back and plan a future. Explaining this to employees can help minimize anger. Also, making suggestions for finding another job, even something as simple as signing up at a temp agency, can help demonstrate the employer is trying to help.

### **Conclusion**

While it may be impossible to ensure a violence-proof workplace, employers who are proactive, instituting proper policies, procedures, and training will have safer workplaces and less risk of liability. ■

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