

HOW TO AVOID WORKPLACE VIOLENCE ISSUES

With the economic climate still uncertain, companies are facing a rapidly changing work environment that is riddled with hostility and violence. The incidence of violence in the workplace has risen and the fear to terminate a violent or potentially violent employee could prove both physically and financially costly for an employer. Management that is unprepared for this scenario leaves itself vulnerable to a myriad of issues ranging from civil to criminal actions. Maybe the easiest way to pre-empt the situation is to have policies and procedures in place to screen candidates for employment and train current employees and management to avoid or spot violence in the workplace.

The first defense is a good offense, if we screen our candidates and train our employees we can weed out many individuals who have a violent or threatening background or disposition. Employers can do this by adding or modifying existing policies to ensure that they:

- Conduct criminal background checks and pre-employment drug testing screening-learn who you are hiring before you hire them!;
- Establish a zero tolerance policy for workplace violence against or by employees, customers and clients;
- Establish a workplace search policy;
- Establish a Sexual harassment/Anti discrimination policy;
- Conduct management training so all supervisors can identify workplace violence situations, including proper communication, reporting and follow-up;
- Conduct yearly sexual harassment/discrimination training for all employees with additional management training for supervisors and managers;
- Prohibit employees from carrying weapons or other dangerous materials within the workplace;
- Institute an open door policy and MEAN it, let your employees feel safe coming to you with their problems.

Unfortunately, regardless of how well we train our employees we cannot prevent every instance of violence or aggression but we can learn how to react responsibly. If an employee starts engaging in threatening behavior the following steps should be taken:

- Don't be a hero! Call the police if you even think that the incident has or can escalate;
- Separate the parties immediately;
- Don't make any rash decisions after you separate the parties suspend both the parties (with or without pay) while you conduct an investigation;
- Follow your policies procedures regarding disciplinary action, violence, harassment, searches and investigations-be consistent;

- When conducting a disciplinary action or termination with an individual that may become violent conduct the action in pairs, keep the door open, tell a colleague where you are and if necessary alert local authorities that an escalation may occur so there is a deterrent presence in the area.

These simple steps in conjunction with good consistent policies and procedures prevent the vast majority of workplace instances of violence and save companies from liability that spans the gamut from negligent hiring to discrimination claims.

If you have any questions about this article or would like **sample policies and procedures**, please contact Julie A. Proscia, Esq. Julie Proscia is a partner at SmithAmundsen LLC in the labor and employment practice group that exclusively represents management in employment issues. Julie may be contacted at (630) 587-7911 or at jproscia@salawus.com.

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