Every Employer is Vulnerable: A Guide to Preventing Workplace Violence

Dr. Kristine Kienlen & Stacy Bettison
moderated by Laura A. Pfeiffer
Types of Workplace Violence

• Infrequent
  • Workplace Homicide

• More Common
  • Non-lethal Violence
  • Harassment/Stalking
  • Domestic Violence
  • Threats to Harm Others
  • Suicide
  • Sexual Assault

*Alcohol or drug use is a frequent risk factor
Types of Workplace Threats

- Direct Threat
- Indirect, Veiled, or Conditional Threat
- Homicidal Thoughts
- Violent Fantasies or Preoccupation
- Violent Intent
- “Leakage” - Clues to impending violence
- Weapon Talk or Possession
- Suicidal Communication
Jing Hua Wu, Engineer
SiPort, Santa Clara, California
Workplace Triple Homicide – November 14, 2008

• Terminated following bizarre behavior and missed deadlines
• He told his supervisor, “You will pay for this, you will see. I wish you to go to hell. You will not escape this Earth.”
• The next day, he killed his supervisor, HR Manager, & CEO
The Threat Assessment Model
(Meloy & White, WAVR-21 Training, 2010)

• Does the person pose a threat?
• Does recent behavior (thoughts, feelings, acts) suggest movement on a violent pathway toward a specific targeted individual or group?
• Violence is a process: Contextual, dynamic (changing over time), continuous
• Careful interventions needed to manage threat
The Pathway to Workplace “Grudge” or Intended Violence

Adapted with permission from F.S. Calhoun and S.W. Weston (2003). Contemporary threat management: A practical guide for identifying, assessing and managing individuals of violent intent.

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Workplace Revenge Homicides

• Myth: These individuals just “snap”
• Usually motivated by a profound sense of rejection and perceived injustice
• They decide to act violently for various reasons
  • Anger/revenge
  • An accumulation of losses and frustrations
  • Deep despair (may be suicidal)
  • Paranoid or delusional beliefs
• Often early clues or “warning signs” that they are contemplating violence
Recognize “Warning Signs”
Recognize “Warning Signs”
Common events to be reported for further review:

- Physical violence
- Threats
- Violent talk
- Loss of temper
- Bullying
- Suicidal communication
- Bizarre behavior

- Harassment/stalking
- Boundary crossing
- Uninvited contact
- Alarming cyber activity
- Property destruction
- Inappropriate weapons talk/possession at work
- People are afraid
Triggers and Contexts That Can Escalate Violence Risk

- Job termination
- Serious job related issues
- Denied compensation claims, appeals, or other litigation
- Relationship rejection or changes
- Critical level of work stress/conflict
- Personal losses

These may represent setbacks experienced as unbearable and/or humiliating
Elements of a Successful Workplace Violence Prevention Program

- Workplace Violence Prevention Policy
  - No tolerance for threats or violence
- Multidisciplinary Threat Management Team
  - “Connects the dots”
- Reporting and Response Process
  - “See something, say something”
- Organization-Wide Awareness and Training
  - Culture of Violence Prevention
Multidisciplinary Threat Management Team

• Typical Internal Team Members
  • Human Resources
  • Security
  • Legal Personnel
  • Others to ensure that the lines of authority and communication are effectively reached

• Typical External Team Members
  • Psychologist with violence risk assessment & threat management expertise
  • Employment Lawyer(s)
  • Law Enforcement
  • Security

“It takes a village…”
Possible Intervention Options

- Security measures/law enforcement
- Background checks & investigations
- Professional risk assessment (indirect or direct)
- Diffusing and treatment interventions
- Legal guidance and actions
- Employment status actions
- Workforce and victim interventions

*Anticipating triggers and ongoing monitoring are essential

No “cookbook”- Judgment always needed
The Application

- EEOC guidance effective April of 2012 recommends not asking about arrest or convictions on job applications. See http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm
- New Minnesota law prohibits private employers from asking about criminal convictions at the application stage. Minn. Stat. § 364.021
Pre-Employment Screening/Background Checks: A Balancing Act

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Negligent Hiring Claim

- Failure to conduct appropriate background checks may create employer liability
- Breach of duty of care to third parties when hiring
- History of violent crime typically behind lawsuits

Discriminatory Hiring Practices

- Improper use of background checks may also create liability
- Liable if criminal background treated differently across groups
- Statistical evidence of disparate impact may also create liability
Potential Claims Against Employer

- Civil Rights/State Statutes
- Vicarious Liability
- Respondent Superior
- Negligence
- Negligent Retention
- Negligent Supervision
- Negligent Infliction of Emotional Distress
Other Potential Claims Against Employer

- Privacy
- Defamation
- Claims for wrongful termination under various theories
- Claims under the Americans with Disabilities Act or the Family and Medical Leave Act
Employer To-Do Items

- Implement or revise a workplace violence policy
- Train
- Inspect
- Plan
- Manage
- Post-employment matters
A Culture of Trust

Trust?

Years to earn, seconds to break.
The Importance of Trust

- Loyalty
- Productivity
- Reduces costs
- Satisfaction, morale
Ways to Destroy Trust

• Lie
• Not disclosing
• Do as I say, not as I do
• Not doing what you say you will do
• Treating people poorly
Rebuild Trust

• Start rebuilding today
• Several ways
  • Acknowledge issues
  • Support the employee
  • Carefully frame the issues
  • Take responsibility
  • Follow through
• No opportunity is too small
  • Even small deposits add up
Difficult Situations

- Clear
- Respectful
- Empathetic
- Authoritative
- Swift
De-Escalate and Protect

• Priority -- protect employees, safety of everyone
• De-escalate
• Remove from premises
• Act quickly
• Think ahead
The Former Employee

- Biggest concerns
  - Health insurance
  - Finding new job
  - Pension, retirement
  - Gaining new skills
- Options for employer
- Options for employee
The Role of Community Relations

- Civic responsibility and active interest in the well-being of community
- Long-term benefits
  - Community support
- Loyalty
  - Good will
  - Attract quality employees
  - Encourage employee involvement
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