

Proactive employers can reduce the likelihood of workplace violence.

Combat Workplace Violence

KAREN SAUL



THE NEWS reminds us that workplace violence can occur anywhere. If the quiet halls of academia aren't immune to this scourge—e.g., the

February shooting at the University of Alabama-Huntsville—then credit unions must be even more vigilant to prevent workplace violence.

Nine percent of service companies with 11 to 49 employees had at least one incident of workplace violence within the previous 12 months, according to a Bureau of Labor Statistics survey. That rate rose to 16% for those with 50 to 249 employees, and 27% for those with 250 to 999 employees.

The survey classified four types of dangerous situations:

1. **Criminal**—when the perpetrator has no legitimate relationship to the business or its employees (e.g., robbery);
2. **Customer**—when the perpetrator has a legitimate relationship with the business and becomes violent while being served;
3. **Co-worker**—when the perpetrator is a current, former, or temporary employee who attacks or threatens another employee; and
4. **Domestic violence**—when the perpetrator has no legitimate relationship to the business but has a personal relationship with the intended victim and threatens or assaults the victim at work.

Co-worker and customer violence were rated, respectively, as the first and second most common incidents. The rate of domestic violence was higher than the crime rate among larger businesses.

The message: The risk of robbery—as serious as it is—shouldn't blind credit unions to the need for a comprehensive approach to workplace violence prevention.

The “general duty” clause of the federal Occupational Safety and Health Act requires employers to provide a workplace free from hazards that cause or are likely to cause death or serious physical harm. However, there currently are no specific standards addressing workplace violence.

The best protection employers can offer is to establish a zero-tolerance policy for workplace violence against or by employees, according to the U.S. Labor Department's Occupational Safety and Health Administration (OSHA). All employees should know the policy and understand that all claims of workplace violence will be investigated and remedied promptly.

In addition, employers should educate staff so they know what conduct isn't acceptable, what to do if they're subjected to or witness violence, and how to protect themselves.

Proactive employers can reduce incidents of workplace violence. OSHA's safety advice applies to credit unions:

- ▶ **Secure** the workplace using video surveillance, extra lighting, alarm systems, and restricted access to nonpublic areas;
- ▶ **Keep** only the necessary amount of cash in teller drawers;
- ▶ **Require** employees who work off premises to leave a daily work plan, including their expected locations, and to carry a mobile phone;
- ▶ **Instruct** employees to avoid situations that feel unsafe, such as entering dark parking areas without an escort;
- ▶ **Adopt** fair and consistent disci-

plinary measures; and
▶ **Foster** a climate of trust and respect among all employees.

While many employers have adopted policies prohibiting guns anywhere in the workplace, state laws are eroding the right to enforce such safety measures. Last year, the 10th U.S. Circuit Court of Appeals ruled that an Oklahoma law pro-



hibiting employers from banning guns in workers' locked vehicles in company parking lots wasn't preempted by the Occupational Safety and Health Act.

Other states have enacted similar laws, making it more difficult to eliminate guns from the workplace. Employers should learn the limits of these laws and be aware of exceptions that may, for example, permit banning guns from company-owned vehicles.

Review workplace violence policies and programs at least annually to ensure they comply with changing laws and reflect practices that meet your realistic risk assessment.

Don't forget that workplace violence can occur without any weapon at all. Threatening, bullying, or harassing behavior can demoralize and traumatize employees, lead to violence, and result in legal liability. Never ignore this kind of conduct. ☉

KAREN SAUL is of counsel at Farleigh Wada Witt, Portland, Ore. Her practice focuses on employment law. Contact her at ksaul@fwlaw.com.