

We He
Rude, Angry and Violent
People

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Session Overview

- 1. Workplace Bullying**
- 2. Workplace Hazing**
- 3. Warning Signs, Effects And Responding To Bullying And Hazing In The Workplace**
- 4. Workplace Violence Overview**
- 5. Workplace Violence Warning Signs**
- 6. Strategies For Preventing Workplace Violence**
- 7. Responding To Imminent Threats**
- 8. Legal And Disciplinary Recourses**



What Is Workplace Bullying?

What is Workplace Bullying?

- **Workplace bullying is often defined as...**

“the repeated mistreatment of one or more employees with a malicious mix of humiliation, intimidation, and sabotage of performance.”

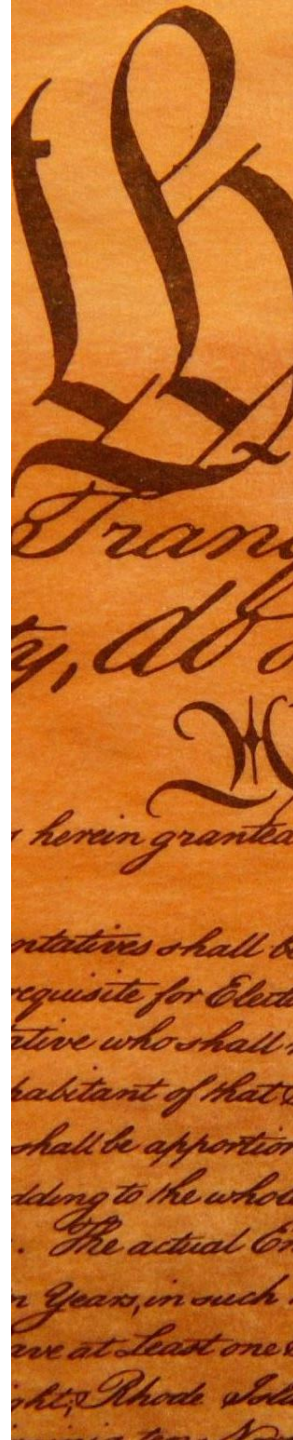
-Workplace Bullying And Trauma

Institute



What is Workplace Bullying?

- Driven by the perpetrator's need to control the targeted individual(s)
- Typically involves a set of acts of commission (doing things to others) or omission (withholding things from others)
- Often involves verbal abuse, offensive conduct, or work interference/sabotage
- Intended to cause negative consequences to the victim



The Numbers...

- 13% of employees are currently bullied
- 35-50% of employees have been bullied in the past
- 12% of employees have witnessed workplace bullying
- 60% of bullies are male
- 1 in 6 employees are targets of bullies



Examples of Workplace Bullying

Hostile Glares

Malicious “Teasing”

Withholding Information

Spreading Malicious Rumors

Yelling

Insults And Put-Downs

Intimidation

Demoting Work Abilities

Not Giving Credit

Setting Employee Up for Failure

Constant Reminding of Old Mistakes

Silent Treatment

Exclusion

Undermining Employees

Aggressive Behavior

Unwarranted Criticism

Threats

Isolating Employees

Giving Impossible Deadlines

Overworking Employees

Creating Undue Pressure

Personal Attacks

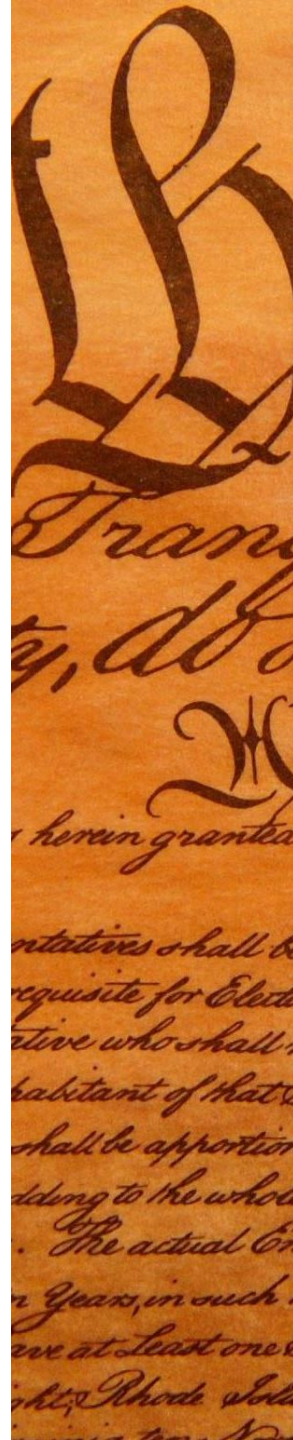
Why Do People Bully?

- Cultural Causes
- Institutional Causes
- Social Issues
- Family Issues
- The Bully's Personal History
- Having Power
- Having A Bad Day
- Some People Are Just Jerks!



Factors that Increase the Risk of Bullying

- **Significant Organizational Change**
 - Major Restructuring
 - Technological Changes
- **Employee Characteristics**
 - Age, gender, parental status, etc.
- **Workplace Relationships**
 - Inadequate flow of information
 - Lack of employee participation
- **Work Systems**
 - Lack of conduct policies
 - Work flow issues
 - Staff shortages
 - Conflict resolution



Is Bullying Against The Law?

- **Workplace bullying is inappropriate and unacceptable behavior, but it is NOT prohibited by State or Federal Law.**
 - Could it violate employer rules?
- **In July 2012, AB 9 (Seth's Law) went into effect making teachers and school administrators legally obligated to intervene when a student reports bullying.**



What About the New Abusive Conduct Training?

- **AB 2053 was signed on September 9, 2014.**
- **The original draft of the bill would have required employers to stop bullying or face liability.**
- **As passed, AB 2053 requires employers to include training on “abusive conduct” as part of an employer’s workplace harassment training.**



What is “Abusive Conduct”?

“...conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.”



So, Can An Employee Sue For “Abusive Conduct”?

- No. AB 2053 expressly states that there is no private right of action under the new law.
- However, bullying may cause stress-related physical, emotional, or psychological harm, which *may* be addressed through the workers’ compensation system in some cases.
- Medical or psychological treatment are usually required before the injury would be covered, require litigation of many issues, including coverage, causation, apportionment and liability.





What Is Workplace Hazing?

What is Workplace Hazing?

- **An Abusive, Often Humiliating Form of Initiation Into or Affiliation with a Group**
 - Practical Jokes
 - Intentionally Meaningless or Humiliating Tasks
 - Unnecessary Assignments
 - Establishing Dominance
 - Ostracizing/Isolating Coworkers
 - Verbal and Physical Threats
- **Learning the Ropes...Paying Your Dues... Passing Muster...Earning Your Stripes...**



Why Do Employees Haze?

- It gives senior members a way of establishing their seniority and dominance
- Hazers believe it ensures that formal work rules will be respected, and that unwritten practices will be followed
- Hazers believe it ensures continuity of the existing ways of relating and working together
- Hazers believe it makes membership something to be valued



Recent Hazing Scandals



Recent Hazing Scandals





**The
Warning
Signs,
Effects &
Responses**

Warning Signs of Bullying and Hazing



- Other employees are aggressive and intimidating
- You hear rumors about activities that could be hazardous or humiliating
- Employees are required to engage in activities that have nothing to do with their job duties
- Employees are uncomfortable with what they are being told to do

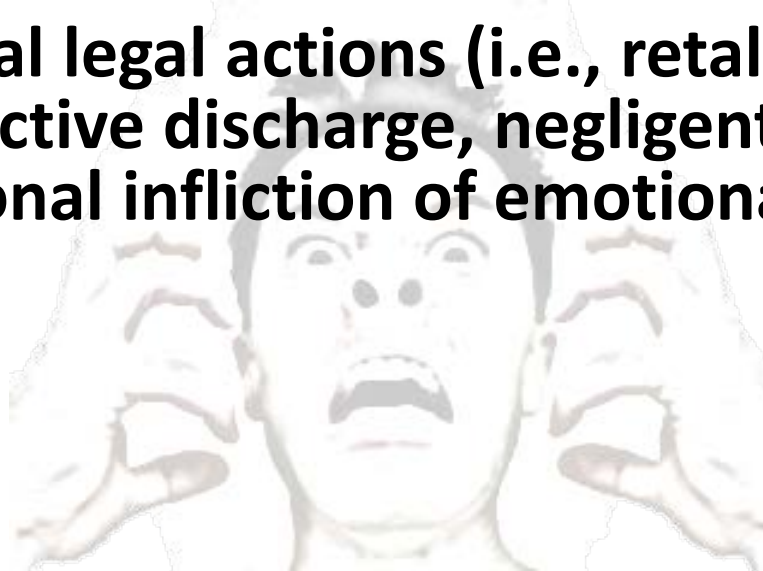
Effects Of Bullying & Hazing

- **Negative Working Environment**
 - Employees Afraid To Speak Up
 - Low Morale
- **Performance Problems**
 - Reduced Productivity
- **Physical And Mental Illnesses**
 - Increase in Stress
 - Absenteeism
- **Violation Of Employer Policies**
 - Even in the Absence of a Specific Policy Against Bullying or Hazing in the Workplace



Effects of Bullying & Hazing

- **The consequences of bullying can be very costly for the employer:**
 - Cost of replacing employees who leave and training new employees
 - Displacement of work effort, distraction
 - Costs associated with investigations of workplace misconduct
 - Potential legal actions (i.e., retaliation, constructive discharge, negligent or intentional infliction of emotional distress)



Employer Response to Bullying and Hazing

- Maintain a zero tolerance anti-bullying and hazing policy and reporting procedures
- When witnessed or reported, the bullying behavior must be investigated and addressed immediately with appropriate discipline
- Hold awareness campaigns and encourage reporting
- Encourage managers to monitor conduct
- Train managers on how to respond and resolve conflicts



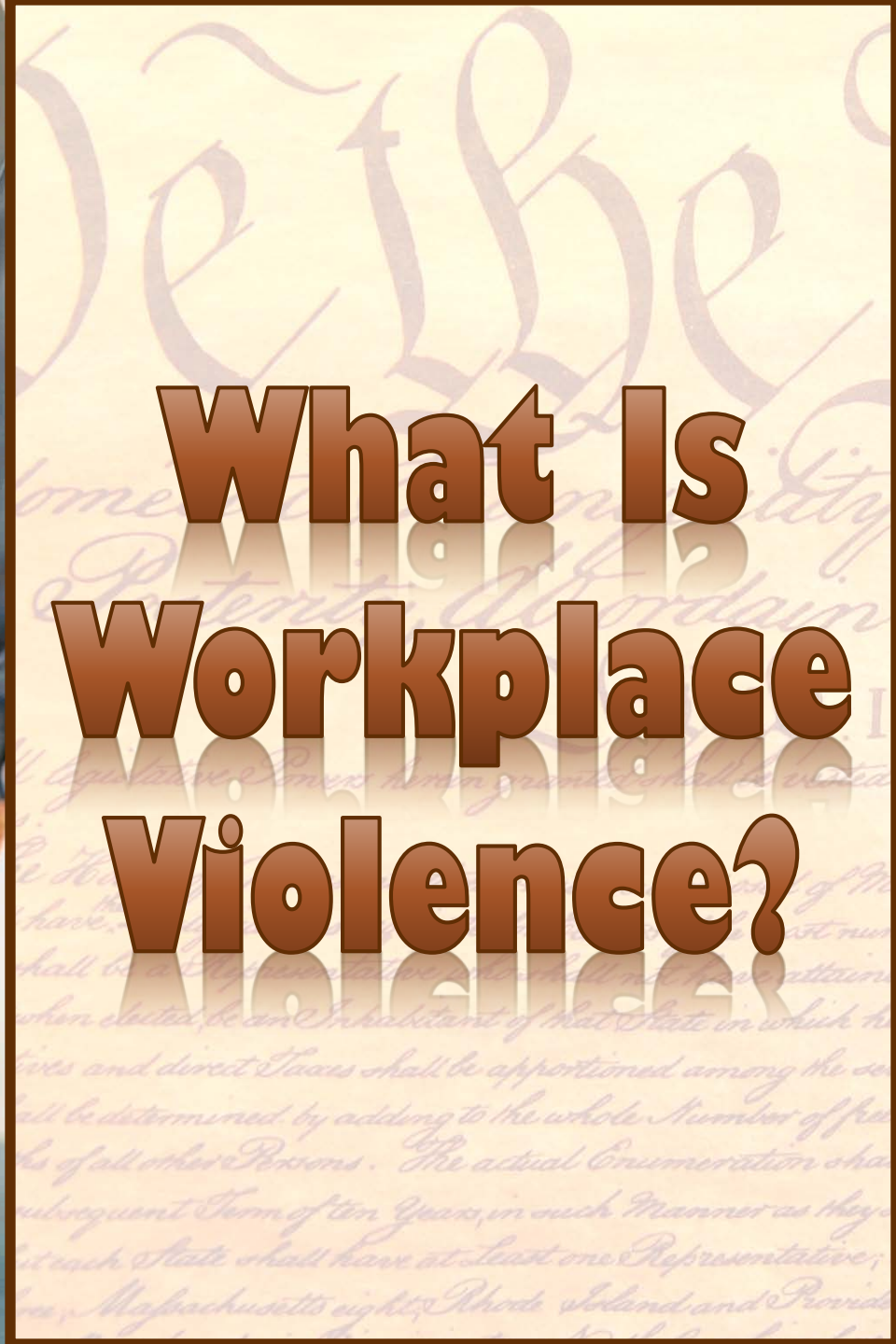
Legal Liability



- Assault
 - Emotional Distress
 - Potential Harassment
 - Physical Injuries
- Tameny claims by employee disciplined for complaining
 - Individual liability for employees and for the employer if it allows the behavior

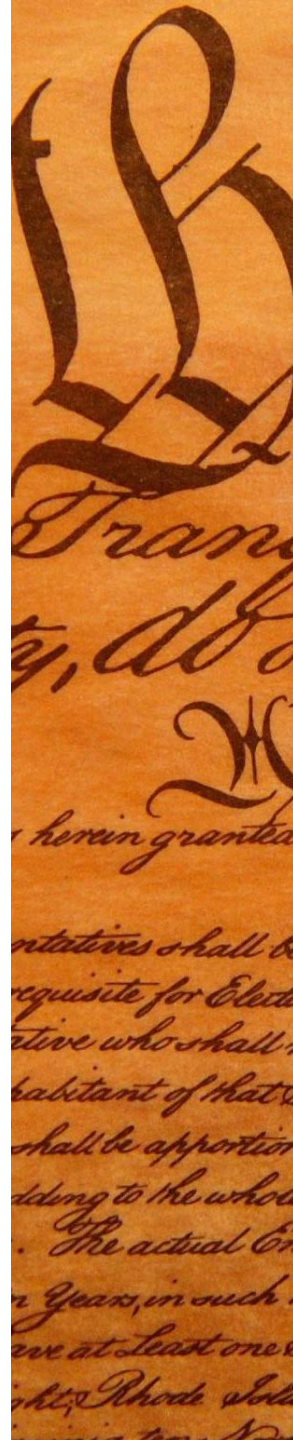


What Is Workplace Violence?



What is Workplace Violence?

- The National Institute for Occupational Health defines workplace violence as violent acts (including physical assaults and threats of assaults) directed toward persons at work or on duty.
- Both OSHA and Cal/OSHA recognize that workplace violence is included the general obligation to provide employees with a safe workplace.



Examples Of Workplace Violence

- **Hitting, Pushing, Other Aggressive Acts**
- **Physical and Verbal Assaults**
- **Violence Involving Weapons**
- **Acts of Intimidation**
- **Threatening Behavior**
- **Stalking**
- **Sexual assault**
- **Homicide/Suicide**



Four Categories of Offenders

1. Stranger Violence
2. Known Third Party Violence
3. Employee Violence
4. Personal Relationship Violence



1. Stranger Violence

- **Typically Involves a Criminal Purpose**
 - Perpetrator has no legitimate relationship to the organization or its employees
 - A crime is usually being committed in conjunction with the violence
 - Robbery
 - Shoplifting
 - Criminal trespassing
 - Vandalism



2. Known Third Party Violence

- **The perpetrator has a legitimate relationship with the organization**
 - The recipient or object of services provided by the affected workplace or victim
- **This category includes**
 - The Public
 - Vendors, Contractors
 - Customers



3. Employee Violence

- The perpetrator is an employee or past employee of the organization who attacks or threatens fellow past or present employees
- May be seeking revenge for what is perceived as unfair treatment, i.e., unfavorable review, change in shift, decreased wages, discipline
- Violence is often triggered by work-related stress, disputes, smaller workforce, and less job security



4. Personal Relationship Violence

- The perpetrator usually does not have a legitimate relationship with the organization, but has or has had a personal relationship with the intended victim
- May involve a current or former spouse, lover, relative, friend, or acquaintance
- Domestic violence carried out at the workplace
- The perpetrator is motivated by perceived difficulties in the relationship or by psychosocial factors that are specific to the perpetrator



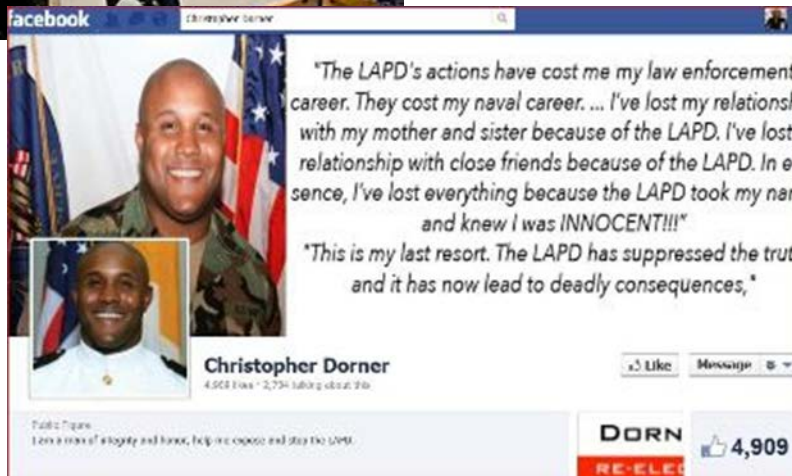
**Does
Workplace
Violence
Actually
Happen?**

Do You Remember?

In September 2014, Alton Nolan stabbed one co-worker and beheaded another at an administrative office in Oklahoma. He has been charged with first degree murder.



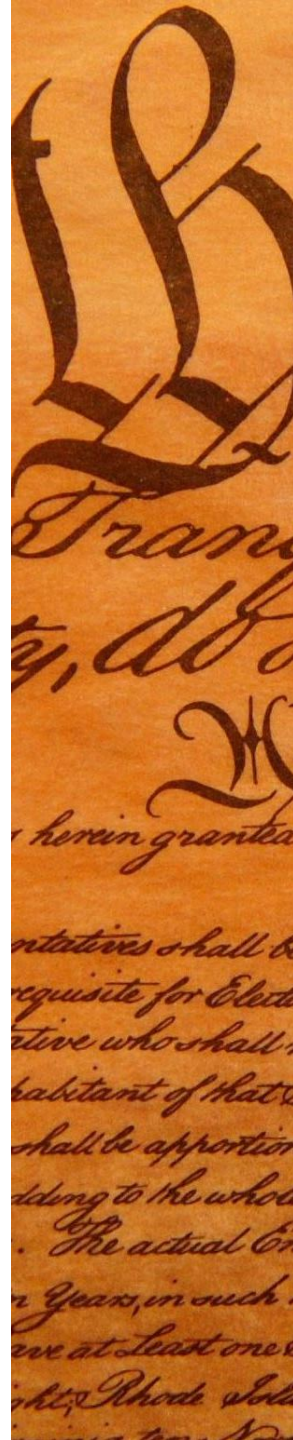
Do You Remember?



In February 2013, former LAPD officer Christopher Dorner went on a shooting spree targeting police and their families that left four people dead and resulted in the largest manhunt in U.S. history. Dorner took his own life in a cabin in the San Bernardino mountains as police closed in.

There Are Too Many To Count

- Virginia Tech (2007) – 32 fatalities, 17 injuries
- Fort Hood (2009) – 13 fatalities, 30 injuries
- Aurora, Colorado (2012) -12 fatalities, 70 injuries
- Sandy Hook (2012) – 28 fatalities, 2 injuries
- Navy Yard (2013) – 12 fatalities, 3 injuries

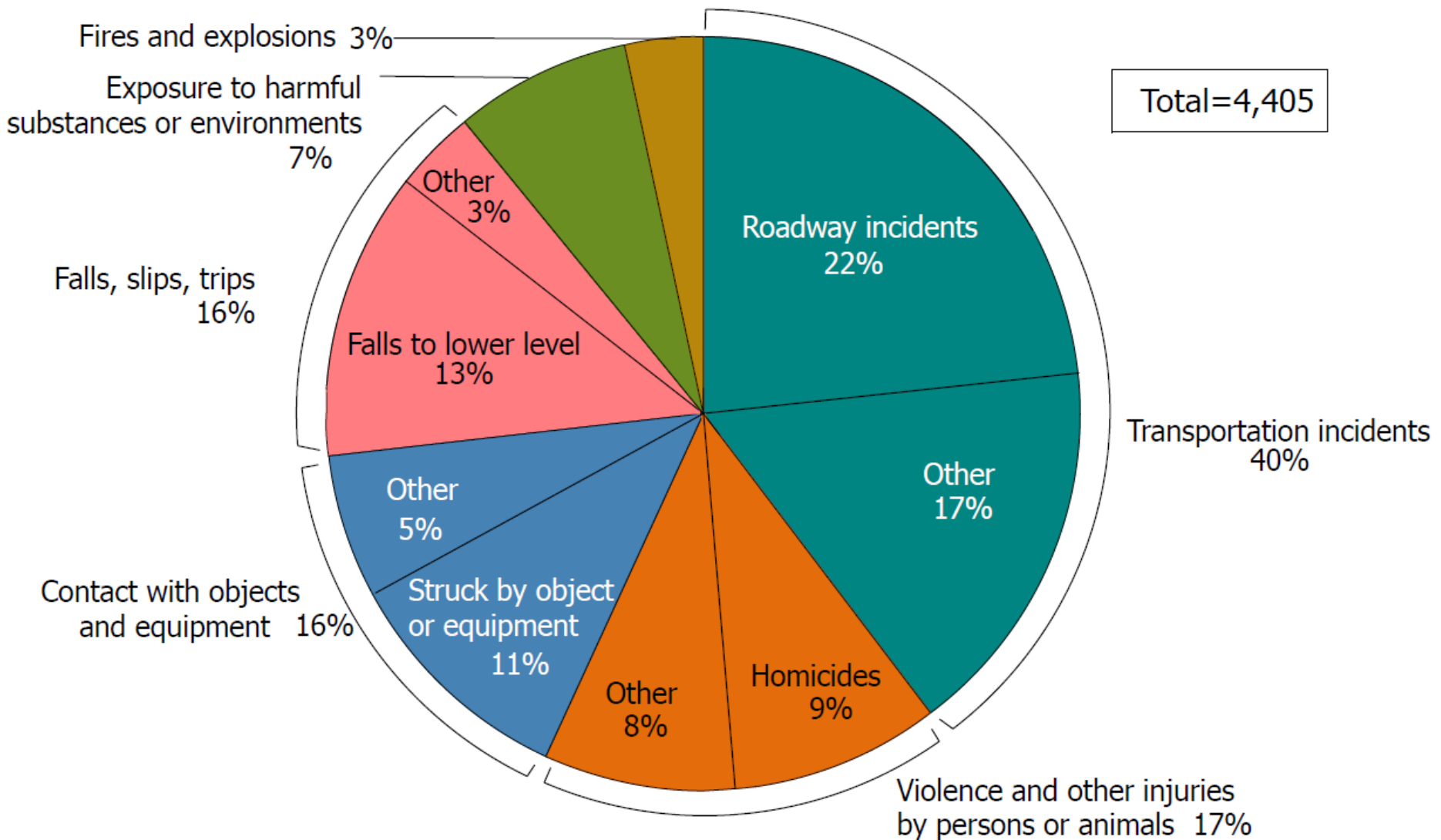


The Numbers...

- According to OSHA, nearly **2 million** workers report being the victim of workplace violence each year.
- Average of **800** Homicides Each Year
- Average of **\$4 Billion** Lost Each Year:
 - Lost Productivity, Health Care Costs, Legal Costs
- Average of **1.7 Million** Work Days Lost Each Year



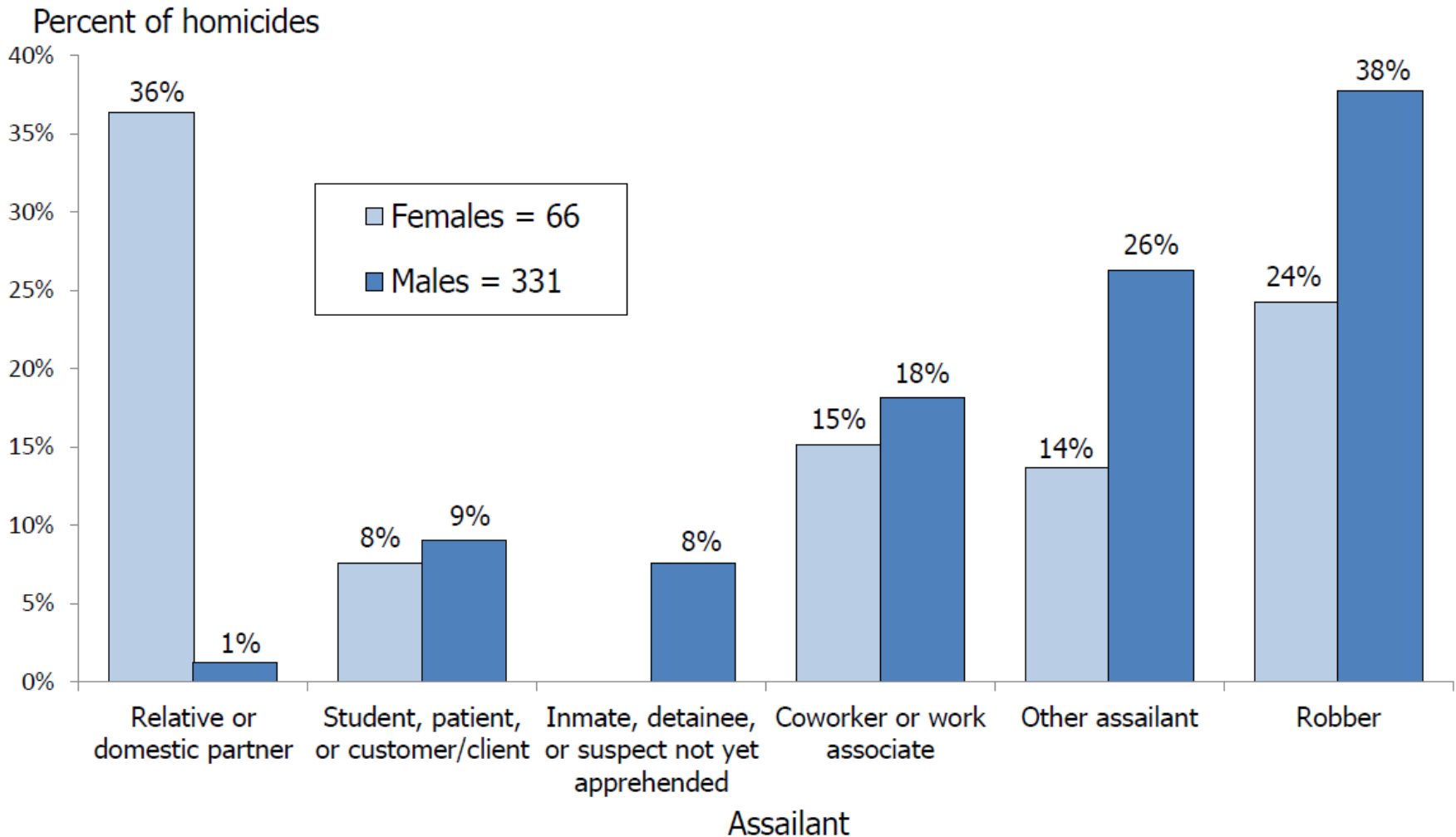
Fatal occupational injuries, by major event, 2013*



More fatal work injuries resulted from transportation incidents than from any other event in the 2013 preliminary counts. Roadway incidents alone accounted for nearly one out of every four fatal work injuries.

*Data for 2013 are preliminary.
 Note: Transportation counts presented in this release are expected to rise when updated 2013 data are released in spring 2015 because key source documentation detailing specific transportation-related incidents has not yet been received. Percentages may not add to 100 due to rounding.
 Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor, 2014.

Work-related homicides, by gender of decedent and assailant type, 2013*



Robbers were the most common type of work-related homicide assailant for men and the second-most common for women. The most frequent type of assailant in work-related homicides involving women was a relative or domestic partner.

What Would You Do?

Ron is something of a tough guy, always boasting to coworkers that he's going to deck the supervisor someday. You're pretty sure he's all talk, and he's never actually hit anybody in the workplace. In fact, there are no write-ups in his file. So you wonder if there's anything you should or even can do.

Are your hands tied?



What Would You Do?

- 1) Unfortunately your hands are pretty much tied. He bears watching, but all you know about his threats comes from the rumor mill. You can't put too much stock in that, and it would be unfair to Ron to let hearsay lead to serious discipline. He's never been written up, so you don't have much to go on. You're better off leaving him alone.
- 2) No, your hands aren't tied. If he's bragging to friends at work about being ready to beat up the supervisor, you can't look the other way just because he's never actually resorted to physical violence at work. You need to investigate to find out what's going on. It's possible that his actions may be enough to be considered workplace violence that calls for stern discipline, possibly a suspension, and maybe even termination.



What Would You Do?

Sharon, a Capital Project Manager, comes to you outraged that an angry contractor has threatened her. She doesn't want to deal with him, and she wants some assurance that you will keep him away from her and off City property. This contractor is responsible for one of the biggest projects in the City.

What do you do?



What Would You Do?

- 1) What can you do? The potentially violent contractor doesn't actually work for the City, and all he's done so far is make Sharon mad. Tell her to talk to her supervisor about being taken off the project, but that's about all you can do.
- 2) Talk with Sharon about the specifics and investigate the circumstances. What was the threat? Had anything like that happened before? What does Sharon think is necessary? Can the issue be mutually resolved?





**What are
Some of the
Warning
Signs for
Workplace
Violence?**

Offender Risk Factors

- **Patterns to Look For:**

- Increasing belligerence
- Ominous, specific threats
- Hypersensitivity to criticism
- Recent acquisition/fascination with weapons
- Apparent obsession with a supervisor or coworker or employee grievance
- Preoccupation with violent themes
- Difficulties in personal life (divorce, family conflicts, legal and financial problems)



Offender Risk Factors

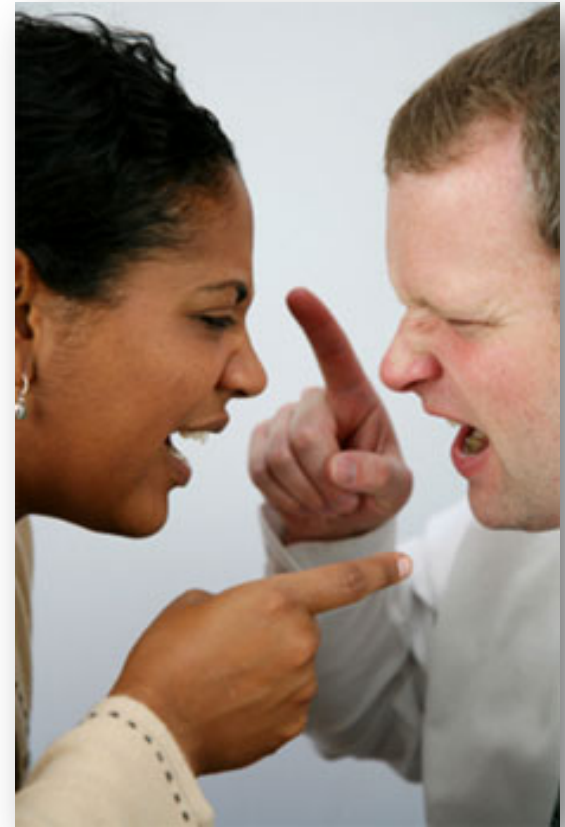
- **Patterns to Look For:**

- Homicidal/suicidal comments or threat
- Has brought weapons to the workplace
- Drug or alcohol use on the job
- Grudge over a real or imagined grievance
- Interest in recently publicized violent events
- Outbursts of anger
- Extreme disorganization
- Noticeable changes in behavior



Offender Risk Factors

- **Patterns to Look For:**
 - Paranoia
 - Obsessive involvement with the job
 - Moral righteousness
 - Stalking coworkers
 - History of violence
 - Erratic conduct
 - Disregard for safety



Warning Signs

- **Early warning signs of potential workplace violence from employees:**
 - tolerance of bullying or intimidation
 - lack of trust among workers, between workers and management
 - high levels of stress, frustration and anger
 - poor communication
 - inconsistent discipline
 - erratic enforcement of employer policies



Increased Environmental Risks

- Contact with the public
- Mobile workplace
- Uncontrolled access to facilities or areas of facilities
- Isolated locations/job activities
- Lighting problems (interior and exterior)
- Concealed areas
- Handling/transporting money
- Working in a high-crime area
- Early morning/late night assignments
- Prior incidents/assaults



Increased Internal Risks



- Intense work loads
- Organizational restructuring
- Ignoring warning signs
- Allowing on-going feuds between co-workers to go unaddressed by employer
- Chronic harassment, bullying, hazing, etc. by a co-worker, supervisor, or third party



Increased Behavioral Risks

- Failure to review and understand relative policies and programs
- General belief that workplace violence could not happen to you or at your workplace
- Lack of understanding of how to respond to workplace violence when it occurs





Strategies for Preventing Workplace Violence

Prevention Strategies

- Train All Employees
- Be Vigilant About Security Risks And Warning Signs
- Do Not Ignore Threats Or Suspicious Behavior
- Document Suspicious Behavior
- Utilize EAP Services
- OSHA-Approved Workplace Violence Prevention Program



Prevention Strategies

- Reduce exposure to high-risk situations (if possible while performing necessary job duties)
- Take a “buddy” when in a high-risk situation
- Discuss safety concerns with supervisors before entering a known high-risk situation
- Have an exit strategy
- Carry a cell phone or radio
- Report any sign of a break in





Prevention Strategies

- **Existence and distribution of relative policies**
 - Harassment, Bullying, Workplace Violence, Electronic Communications
 - Regularly review and update policies
- **Increase physical security measures, control access to work areas**
- **Thoroughly prescreen applicants**
- **Plan for potential workplace violence during discipline or other confrontational times**
- **Investigate complaints and properly discipline**



**Responding
to
Imminent
Threats of
Workplace
Violence**

Responding To An Imminent Threat

- **Remain Calm**
- **Try to Get to a Safe Location**
 - Or Keep a Safe Distance
- **If You Can, Get Others to Safety**
- **Call 911**
- **Seek Medical or EAP Assistance if Needed**



What To Do If Threatened With A Weapon

- **Stay calm and quietly signal for help, if possible**
- **Maintain eye contact with the assailant**
- **Stall for time until help arrives**
- **Follow instructions and let assailant know you are cooperating**
- **Do not verbally or physically challenge the assailant or try to grab the weapon**
- **Do not make any sudden movements; ask permission first**
- **Do not be a hero and risk harm to yourself or others**

What To Do If Faced With An Active Shooting

- Know your exits and emergency evacuation plan
- Call 911 and give dispatcher as much information as you can (i.e., description of assailant, types of weapons, number of victims)
- Look for cover or concealment
- Turn off lights in your room to make it look vacant
- Lock and/or blockade the door
- When police arrive:
 - Show your hands
 - Be calm
 - Follow instructions



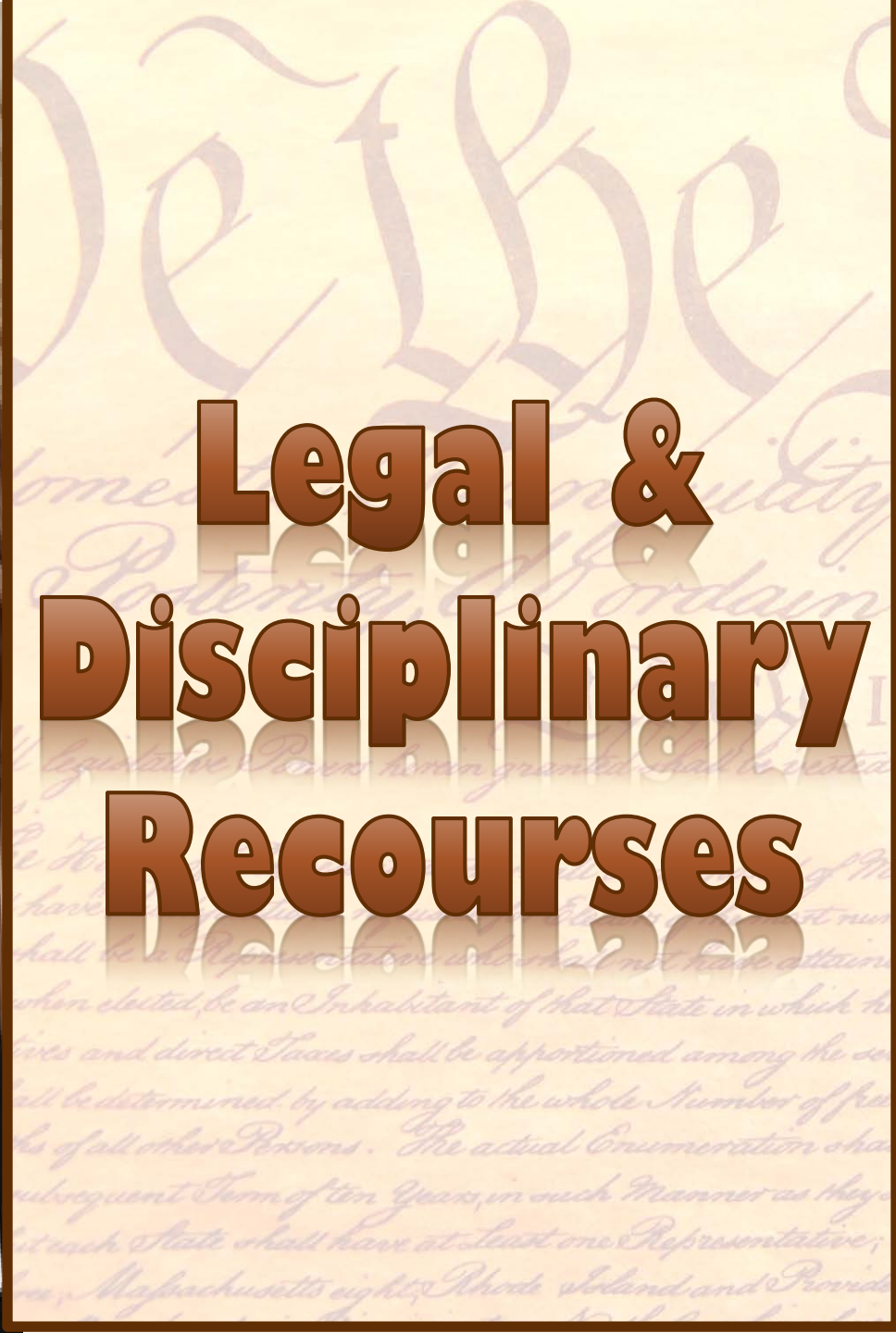


Post-Event Measures

- **Make no attempt to chase or follow the suspect**
- **Stay where you are until you are sure it is safe, then lock yourself in and call for help**
- **Do not touch anything the suspect handled**
- **Write down everything you remember about the suspect and what happened while you wait for police**
- **Do not open the door until police arrive**
- **Give aid to victims, if possible**



Legal & Disciplinary Recourses



Document, Document, Document!

- Video recordings from surveillance cameras
- Emails/voicemails containing threatening language
- Fitness for Duty documentation
- Incident reports
- Written witness statements (signed under penalty of perjury)



Discipline

- Discipline should be sufficient to address the conduct at issue
- Discipline should be severe enough to prevent the conduct from occurring a second time
- Fitness for Duty evaluation
- Administrative leave pending investigation
- Immediate termination may be appropriate



Termination is Usually the Right Response for Actual Violence

- **Consequences for NOT terminating a violent employee:**
 - **Potential harm to others in the future**
 - **Potential liability for negligent retention, failure to provide a safe working environment**
 - **Harm to employee morale**
 - **Potential for revenge and escalation**
 - **Losing ability to terminate violent employees in the future**

Planning & Executing the Termination

- Consider having a threat assessment performed
- Have police or security present
- Consider using a neutral manager or outside consultant to conduct the termination
- Have more than one manager present
- Find a neutral location
- Minimize reasons for the employee to return to the workplace (pack and send their belongings)
- Wait until the end of the work day
- Be brief and to the point
- Beef up security in the aftermath (change locks, deactivate key cards, change passwords, notify security)

Restraining Orders

- Requested by the Employer on behalf of Employee(s)
- Based on actual violence and/or “credible threats of violence” in the workplace
- Credible threat = words or conduct that would make a reasonable person fear for their safety and/or safety of family members
- No contact and stay-away orders
- Requires surrender of firearms



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