

**Violent acts
committed during
work by there own
employees**



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How liable should companies be for violent acts committed during work by their own employees?

Companies should be completely liable for violent acts committed during work by their own employees. Workplace violence is the third leading cause of occupational death and growing type of homicide in the United States. Companies have legal obligation and financial incentive to prevent it because the company can be held liable either directly or vicariously for the violent acts committed by its employees against other employees and even injuries suffered by their employees as a result of violent acts.

Companies are held liable when:

Negligent hiring of employees, negligent retention and/or inadequate safeguards to provide a “ safe and healthful workplace”.

Company behaves negligently towards workplace violence and thereby permits such violent acts to occur. This is also referred to as direct liability.

Company is not directly responsible for the violence and whose conduct was not negligent towards the act but as the employee who caused misconduct belonged to that company, the company is held responsible for it too.

Company fails to take proactive and preventive steps against violent acts, it is considered to be a negligent conduct from the company’s point of view.

While taking measures against these violent acts can reduce the potential liability even if workplace violence occurs.

Company may be held vicariously liable for the acts conducted by its employee i. e. company is liable as the master of this violent act conducted by its employee causing personal injury to others.

Conduct of its employee occurs within the scope of his/her employment i. e. the work for which the employee was hired to perform within the rules established by his/her company.

Companies face enormous potential liability when they become aware or should have become aware of its employee to engage in violent acts in the workplace. The company may also be sued by the victims of violence including employees who are injured during the act. The company is also held liable if the act takes place off the company's premises whilst the employee is onsite or on a business trip. In the above mentioned case if any signs of violence are noticed the company is held responsible for its employee's behaviour and act.

This high potential for liability is based largely on laws that protect the public's interest in affording victims of probable violent acts with a means of recovery against employers. Workplace violence cases often pit employers against claimants who are innocent victims. Not surprisingly, many courts and sympathetic juries look for ways to award the claimants money even if responsibility seems questionable. This is despite the traditional rule of law, which says that one is not responsible for the criminal actions of others as long as one did not aid and abet the misconduct.

Q2) Can companies completely prevent workplace violence? If not, what steps can they take to reduce it?

Companies cannot completely prevent workplace violence. However, necessary steps can be taken to reduce it. The Company must first issue a strict workplace violence policy so that the company can be held less liable for the act in case any incident/act is performed by its employee and to also keep its employee's aware about the policy and the consequences that lead to if any employee intends to or is held responsible for any violent acts. There are some measures that can be implemented by the company to reduce workplace violence.

Security Measures

Employees are not the only the person behind workplace violence. The worst occurrences are carried out by people who do not work in the company/environment. Employers can stop this type of incident by adopting high tech security systems. Cameras (Hidden and visible), identity cards, security and door guards, metal detectors, locked doors and limited and verified guest entry are some ways to minimize potential threats from coming in within the company's premises.

Personnel at-risk

The first sign to violent acts are the warnings given by the doer. Rarely violent acts occur without prior warnings or signs. This should be the key to prevent big hazardous incidents from happening. The employers should be trained and must have an insight to identify the aggression within the employee after and as soon as the warning is dispatched. Employers can take a leading step in preventing violent acts during their presence and can
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look for signs in potential employees so as to estimate the chances for any violence to occur. Few signs include high stress level, lack of sleep, inability to cope with workload and stress and verbal threats.

Mediation for Problem Solving

Sniffing the problem in the early bud stage is the most effective way of preventing violence. When employees have differences or disagreements on any matter, third-party intervention can break the ice between the two. Third party intervention could be probably someone from human resources who concentrates majorly in mediation or any trained team member with psychological skill can also be a powerful tool for preventing these problems.

Stress Management

The company's should organize events and outings for its employees for leisure and stress reduction. Usually employee's behaviour gets hampered because of high workload and pressure from the top managers. The employers must ensure that the work given to his subordinates is effective for his performance and growth but also it's not stressful. Skills are required to deal with stress but not all good at it. Pressure, fury, annoyance and disappointment are all feelings that can lead to violence. A more productive approach towards stress management could be to specially organize workshops which help employees to cope up with stress, anxiety and anger. Hiring a permanent onsite psychologist can also help employees to deal with psychological problems and problem solving.

Policies and Consequences

Company must take a firm stand on workplace violence. Companies should issue strict policy against violent acts or intimidation of any type. The policy should cover every norm and must clearly state the consequences that the employee shall face if held responsible under that act. The company must be precise about the outcomes that will be instituted against the offender of the law and should keep them consistent with consequences.

OSHA

The OSHA act for the employers- The Occupational Safety and Health Act of 1970 (OSH Act) mandates that, in addition to fulfilment with hazard-specific standards, all employers have a general responsibility to provide their employees with a workplace free from standard hazards likely to cause death or severe physical damage. OSHA will rely on Section 5(a) of the OSH Act, the “ General Duty Clause,” for enforcement authority.

Employers can be quoted for violating the General Duty Clause if there is a recognized risk of workplace violence in their institution and they do nothing to prevent or subside it.

Failure to implementation of these guidelines is not in itself a violation of the General Duty Clause of the OSH Act. OSHA will not quote the employers/company who has efficiently and effectively implemented these mentioned guidelines.

Q4) Some companies are considering the installation of metal detectors to prevent workplace violence. Do you think these measures infringe too much on individual privacy? In other words, can a company take prevention too far?

Danger does not come to us like a guest informing that us that it's on his way to harm you. It does not have any shape, size or figure. But, it is always important to be cautious in the surroundings.

Workplace violence can and does happen anywhere. Every business regardless of its size and type should have a workplace violence program in place. If we go into the history of it in all started in 1990's in United States. This was the time when it began generating concern among public and private organizations in US. Since then awareness is steadily increasing.

Organizations have started developing and implementing a workplace violence prevention program and policy. Policies with "ZERO TOLERANCE of violence" norm have been implemented during the recruitment process.

Some physical actions have also been taken by the organizations such as implementation of metal detectors and installation of Closed Circuit TV's (CCTV) across the whole workplace. I think it is a right step the by the organization. Such level of prevention measures is necessary in present scenario.

For example, we go the workplaces like National Stock Exchange or Bombay stock Exchange, high level security measures are taken . Metal detectors are installed at the entrance of the building. If u are carrying any bag or hand luggage that need to be through the scanner for the verifications of the

goods that are present inside. That's not all; you still need a photo identity proof for your verifications. Needless to say that CCTV is installed in whole building premises which is being monitored in special security room by the security concerned people. These all measures have been taken to avoid any type of violence which includes workplace violence as well.

Such measures are also necessary because it is not necessary that violence may arise between co-workers only. It can also occur by strangers, clients/customers and even by personal relations.

Primary outside sources for violence against the organization and employees may be:

Criminal in nature: This type of violence has no close personal connection to the organization. Criminal attacks are usually carried out by strangers and are motivated by either economic factors or ideology. Typical examples would be robbery or terrorism. Prevention of these and similar crimes requires an effective physical security program. Such a program integrates facility design, security hardware and electronics, security personnel, organizational policy and local law enforcement. In India, places where naxalites are situated or near-by surrounding such measures are must.

More personal connection to the organization: These attacks typically involve former employees or non-employees with an emotional connection to the organization. An example would be a terminated employee with a grudge against the organization or against an employee of the organization. Another example would be a jealous or rejected lover who blames the organization or someone in it for their problems. An unstable husband who knows or at least
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suspects his wife is having an affair with a co-worker could pose a serious threat.

For such violence physical prevention measures should take place. This can include, closed-circuit cameras, alarms, two-way mirrors, electronic control access systems, panic-bar doors locked from the outside only, and trouble lights or geographic locating devices in taxicabs and other mobile workplaces.

Homicide is the fourth-leading cause of fatal occupational injury in the United States. It has been observed that maximum violence involves murdering of employees is shoot at sight. Thus, installation metal detectors and other physical devices can be used to detect guns and any other devices that are brought to workplace premises which are hazardous to human being.

It is important to note that workplace violence not only affects co-workers but also customers. Some good examples are:

A pizza restaurant hired a convicted child molester who later was accused of raping two teenage employees.

A McDonald's restaurant in Ohio hired an employee who later assaulted a three-year-old child in the workplace.

In 1987, an Amtrak employee shot and seriously wounded his supervisor. Amtrak had failed to discipline the employee for a previous action that indicated violent tendencies

Workplace safety is one of those better-safe-than-sorry areas of management where prevention is critical. Therefore according to me, such measures are not the infringement of personal privacy but necessities for personal safety to work in the organizations fearless.

Q5) What factors might lead to violent acts in the workplace? Are these acts committed by only a few “ sick” individuals, or are many individuals capable of committing acts given certain circumstances?

There can be various factors that may lead to violent acts in workplace. It may include economic, societal, psychological, and organizations issues.

Economic factors includes over-stressed population, downsizing or re-organizing departments, massive layoffs, growth of technology, recession, massive mergers, post modernism and unemployment.

Societal factors of workplace violence are many, a changing society, violence on television and in the movies, music, violence as an accepted means of problem solving, not to mention the accessibility of handguns.

Physiological factors may include, result of employees who have experienced emotional, physical, or sexual abuse from childhood.

Principle causes of workplace violence:

Workers are forced to work alone or with inadequate support from co-workers (commonly known as understaffing).

Failure to train workers to recognize and defuse potentially violent situations.

Failure to assess and determine which clients may exhibit violent or aggressive behaviour.

Failure to emphasize safety measures in the workplace, including designing the workplace to minimize potentially violent situations.

Failure to create and enact emergency procedures to address violent situations.

Failure to highlight violent hazards and develop control measures, anti-violence workplace policies and training programs.

Lack of support from employers.

The most important however, is the continuation of the attitude that violence will never happen in their place of employment.

These acts are not only committed by a few “ sick” individuals, but many individuals capable of committing acts given certain circumstances mentioned above are also the causes the violence. Sometimes organizations also plays the role for workplace violence which include organization structure, management style such as amount of authorization given to the employee, relationship and comfort level shared between employees and manager, lack of forum to address grievances, threats of violence.