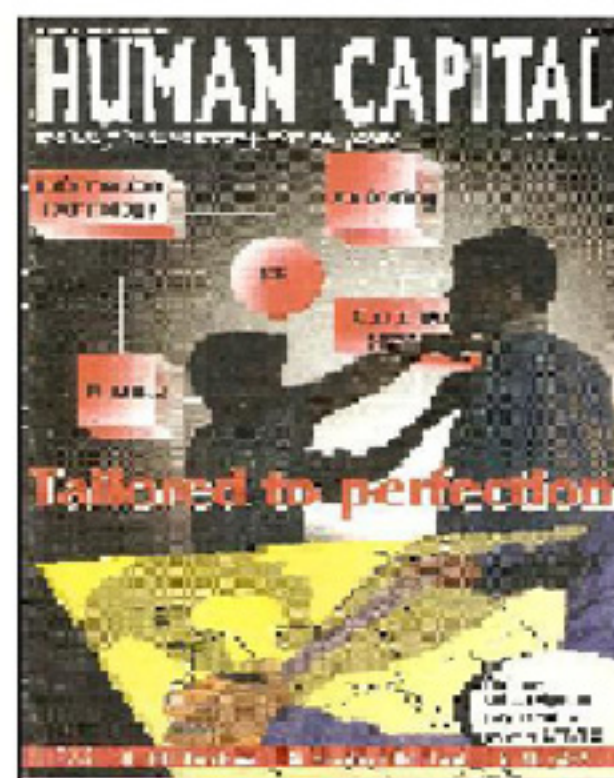




## A safer workplace

By R.S. Jagdev



Every year nearly one million individuals become victims of violent crime while working. In fact, homicide is the second-leading cause of job-related deaths, according to the National Institute for Occupational Safety and Health. An estimated 8,76,800 workdays were lost annually from 1997 through 2002 due to crime at work, costing employers more than 768 crores in wages, not including days covered by sick and annual leave. In total, violence in the workplace costs Indian companies billions annually. Although employers often have little control over the causes of workplace violence, they can take steps to reduce the risks.

**Hire conscientiously:** The first step to a safer workplace is to hire stable employees. In most states employers may be held liable for negligent hiring, which occurs when the employer knew, or should have known, of the employee's problems prior to hiring him or her. Conduct a comprehensive background and reference check and take the following steps:

- ◆ Every candidate should complete a detailed application that asks for the candidate's past employment history, an explanation of every employment gap and any felony convictions.
- ◆ Contact each prior employer. Ask for dates of employment and reasons for termination. Be wary of any gaps in employment. An involuntary termination is a red flag that should be seriously investigated.
- ◆ Conduct an in-depth, face-to-

face interview with serious candidates, asking questions that go beyond the available position, such as the person's hobbies and interests. Hire individuals who seem balanced in all aspects of their lives.

- ◆ Consider conducting a pre-employment background check, looking for signs of a troubled past, such as judgments against the individual, criminal convictions or chronic driving violations. Consider pre-employment drug and psychological testing. When conducting background checks, be careful not to run afoul of state anti-discrimination and privacy laws.

**Ensure proper supervision:** Once a candidate is hired, proper supervision may help ensure that an unstable employee will not vent his or her frustrations in the work place. Proper supervision will also protect against the common claim of negligent supervision, which occurs when an employer disregards an employee's severe personal or performance problems.

Employers should:

- ◆ Establish clear job performance specifications to avoid any confusion.
- ◆ Provide an internal grievance procedure, listen to employee grievances and follow up.
- ◆ Watch for and document warning signs of a potentially violent employee, including extreme disorganization, frequent absenteeism, angry outbursts, chronic mood swings, depression, substance or alcohol abuse, blaming others for self-inflicted problems or serious family and

financial problems.

- ◆ Urge outside counseling for employees who become enraged, easily agitated or extremely emotional.
- ◆ When discipline is warranted and the employee has exhibited signs of an abnormal temperament, two members of management, should meet with the employee face-to-face to inform the employee of the discipline. If the employee seems to overreact to the discipline, monitor the employee.

**Establish security guidelines:** Most states require employers to have a written injury and illness prevention (IIP) program addressing potential and existing workplace hazards. IIP programs should contain a security plan and guidelines that include the following:

- ◆ Articulated standard of behaviour and examples of inappropriate behaviour.
- ◆ An identified threat-assessment team whose members are trained to recognize and deal with threats of violence.
- ◆ A crisis plan to be followed in response to a threat. Every situation will differ, but the crisis plan should include efficient methods for gathering and informing employees of a dangerous situation, a feasible escape route, a person to contact at the local police department, and the name and number of a psychologist or counsellor who is familiar with your company.

**Provide a positive environment:** Most states require employers to provide safe and healthful working environments. The following suggestions may



## TIPS FOR RESTRAINING ORDERS

Follow these guidelines when requesting a restraining order against a potentially violent employee or former employee:

- ◆ Do not reveal the name of the threatened employee in the paper work to avoid aggravating the alleged aggressor.
- ◆ Apprise the court as to the reasons for the anonymity of the complaint.
- ◆ Request that the aggressor be required to stay at least 200 yards away from your workplace and all employees.
- ◆ Request that the aggressor be required to stay away from the threatened employee outside of the workplace.
- ◆ Prepare and submit to the court signed affidavits of management (not the threatened employee or witnesses) articulating in detail the events that occurred and pose a serious risk of violence.
- ◆ Prepare and submit to the court the signed affidavit of a forensic psychologist or other healthcare provider stating his or her opinion that the aggressor poses a serious risk of violence and the basis for that opinion.
- ◆ Do not bring the threatened employee or any witnesses to the hearing on the matter, but consider bringing the forensic psychologist.
- ◆ If the restraining order is granted, serve the order on the local police department. Most states require the immediate arrest of any person who violates a restraining order.

help foster such an atmosphere:

- ◆ Provide adequate working space with sufficient lighting and ventilation.
- ◆ Do not require excessive overtime.
- ◆ Foster a positive and harmonious corporate atmosphere.
- ◆ Recognize and reward employees for their achievements and contributions.

**Be aware:** History has shown that workers are more likely to be killed and injured at work by relatives and people they know. As a result, employers should:

- ◆ Take note if an employee is experiencing problems in his or her personal life, and monitor the employee's behaviour.
- ◆ Take note of abnormal problems with a customer or client, particularly in a service-oriented business.
- ◆ Take all threats as serious, even those by individuals with no known history of violence.

**Report and investigate threats immediately:** Employees and employers should discard the "it cannot happen to me" attitude and treat every threat of violence as serious.

- ◆ Require employees to immediately report any threats of violence.
- ◆ Investigate all threats immediately and determine the degree of risk.
- ◆ Consider whether management is capable of making an accurate determination as to the seriousness of a threat or whether a specialist is better-equipped.
- ◆ Document all incidents.

**Take appropriate remedial action immediately:** If a threat of violence is present, action should be taken immediately. Following are suggested prioritized steps.

- ◆ Refer to a violence-prevention plan. If no violence-prevention plan exists, contact a professional.
- ◆ Decide upon the appropriate action to be taken, which may range from suspension or termination if the aggressor is an

employee, to filing a police report, or seeking legal advice and a restraining order.

- ◆ Before terminating an employee, assume he or she may carry out a threat; inform the employee of the termination away from the workplace.

**Take legal action:** If a credible threat of violence exists, seek legal assistance and obtain a temporary restraining order and permanent injunction prohibiting the aggressor from contacting or coming near the workplace and employees.

**Assist the victims:** Employees who are subjected to or witness violent behaviour, or a threat of violence, may suffer anxiety and emotional distress. They should be given the opportunity to receive psychological counseling immediately. The secondary effect of workplace violence is the effect on morale and productivity.

**Learn from experience:** Workplace violence is a relatively recent phenomenon. As with any new trend, recognition is the first step, and prevention the next. Analyze incidents after the fact and determine what could have been done differently to achieve a better result. HC

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