

Tabletop Exercise on

Crisis Management Planning,

Business Continuity Management, and

Workplace Violence Prevention and Response Planning (WVPRP)

Example company

Allied Office Equipment and Supplies Distribution Inc.

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Part 1 Introduction of Scenario

Setting:

Allied Office Equipment and Supplies Distribution, Inc., is a 20 year old major office supplies and equipment printing, distribution and delivery company. It has a plant on Long Island that is located in an industrial park with many other companies. It employs about 2500 people on three shifts (day, evening and night) and is very active throughout the three shifts around the New York Metropolitan area, which includes Long Island, Manhattan, White Plains, Kearney, NJ and Stamford, CT. It has a high employee turnover and takes pride in employing hard to fill laborer positions. Most of the employees enjoy the work and whatever problems that might exist seem to be handled by the supervisors.

The plant enjoys a recognizable reputation capable of managing a considerable distribution and delivery network on Long Island. The C-Suite is known by the rank and file as tough and caring and is seen throughout the plant. They spend much of their time on the day shift cultivating business and maintaining a strong labor relationship. Day to day operations is the responsibility of the Sr. VP for Finance and Operations, VP for Operations, the General Manager of Plant Operations, the Facility Manager and the Human Resource Manager.

Though each C-Suite member is a consummate professional, they rarely ever convene to discuss safety and security issues collectively and they have never exercised the Crisis Management Plan. The Human Resource Manager and Facility Manager support the day to day distribution and delivery needs while the supervisors support the operations, they have never worked in a collaborative environment other than for generating the distribution and delivery schedules and coordinating employee assignments, hiring and firings.

The majority of the 40 supervisors at this plant are male with a handful of female supervisors. There have been minor complaints of harassment. Most of them came from the ranks; however, one was married to a former supervisor who quit under less than stellar reasons. It was a family grown business that prided itself on maintaining good employee and customer relationships. They were very efficient and enjoyed a great PR image on Long Island. The company had never experienced the typical employee problems larger firms reported having.

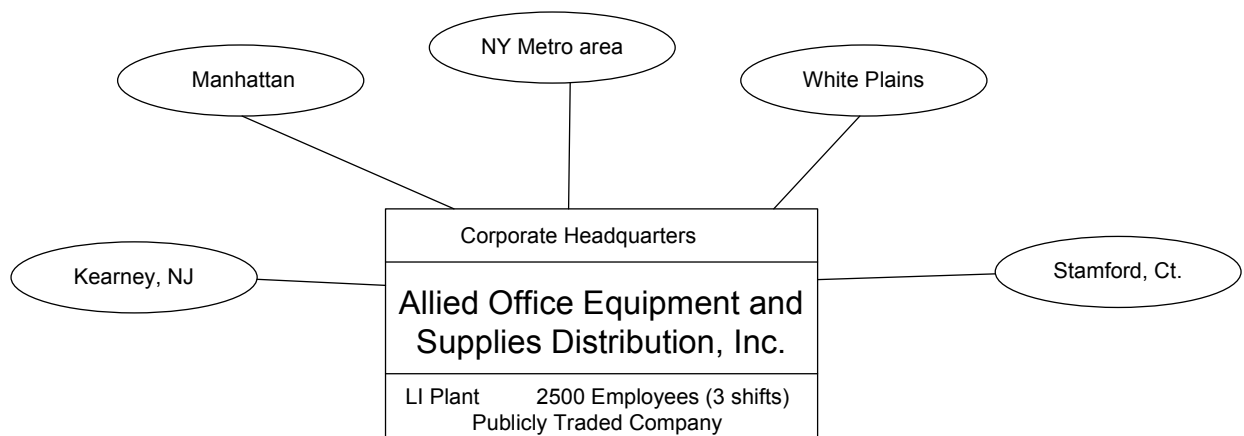
As a result, there was never much time for other essentials, which included security related training, though, it was recognized and considered important but time was never on their side. Also impacting the decision to engage the plant in Workplace Violence Prevention Training was the General Manager of Plant Operations who always had things under control. They employed a contract guard service around on all shifts for perimeter and access control on the evening and night shifts just to satisfy employee safety and security concerns.

Now, for the first time in its history, the grapevine was talking about employee concerns of safety and management's inability to address what the employees considered to be a growing concern between a female supervisor and her estranged husband, a former supervisor. The employees who know the female supervisor the best had noticed strange signs and behaviors including the wearing of more and more makeup, increased number of days off, time spent alone and withdrawn and recently, requesting private

time on her cell phone. These observations were obvious and have caused concern. They wonder why the bosses had not picked up on the clues the way they had. Anyway, they did not know what to do and she had not taken them into her confidence. They only suspected marital problems and nothing more.

Figure 1: Overview of environment and company status

Overview of Scenario:



Business Interruption Status:

- Safety and Security Issues have not been discussed and formalized;
- A Crisis Management Plan has been created, but never tested;
- A Workplace Violence Prevention Response Plan has not been created or discussed;
- Contract Guard Services are present for all three shifts;
- No OSHA Supporting Annex has been created to provide National Response Plans; and
- No Business Continuity Plan is in place.

Personnel Overview:

- 40 Supervisors;
- One female supervisor married to an ex-supervisor who left under less than stellar conditions;
- People were concerned over her recent condition and thought something was wrong;
- People could not understand why management didn't notice female supervisors condition; and
- People felt they had no recourse for reporting condition.

Learning Objectives include:

- Crisis Management (CM);
- OSHA Supportive Annex and associated procedures
- Emergency Management (EM);
- Workplace Violence Prevention Response Plan (WVPRP);
- Business Continuity Management (BCM);
- Coordinating with First Responders and Emergency Management personnel;
- Integrating and Coordinating CM, EM, WVPRP, and BCM with Security, Evacuation, and business units;
- Coordinating with companies in surrounding community;
- Objective is a safeguarded business environment that protects personnel, minimizes disruptions, and expedites recovery of business operations.

Learning Objective:

At the conclusion of this exercise panelist and attendees will be able to discuss the protocols, procedures and principles of Crisis Management Planning for application at their workplaces in response to a Violent Workplace Incident. These procedures are designed to minimize risk to personnel, decrease the occurrence and duration of Business Interruptions, reduce costs of incidents, reduce loss of reputation due to an incident, and speed the recovery process through Business Continuity Management.

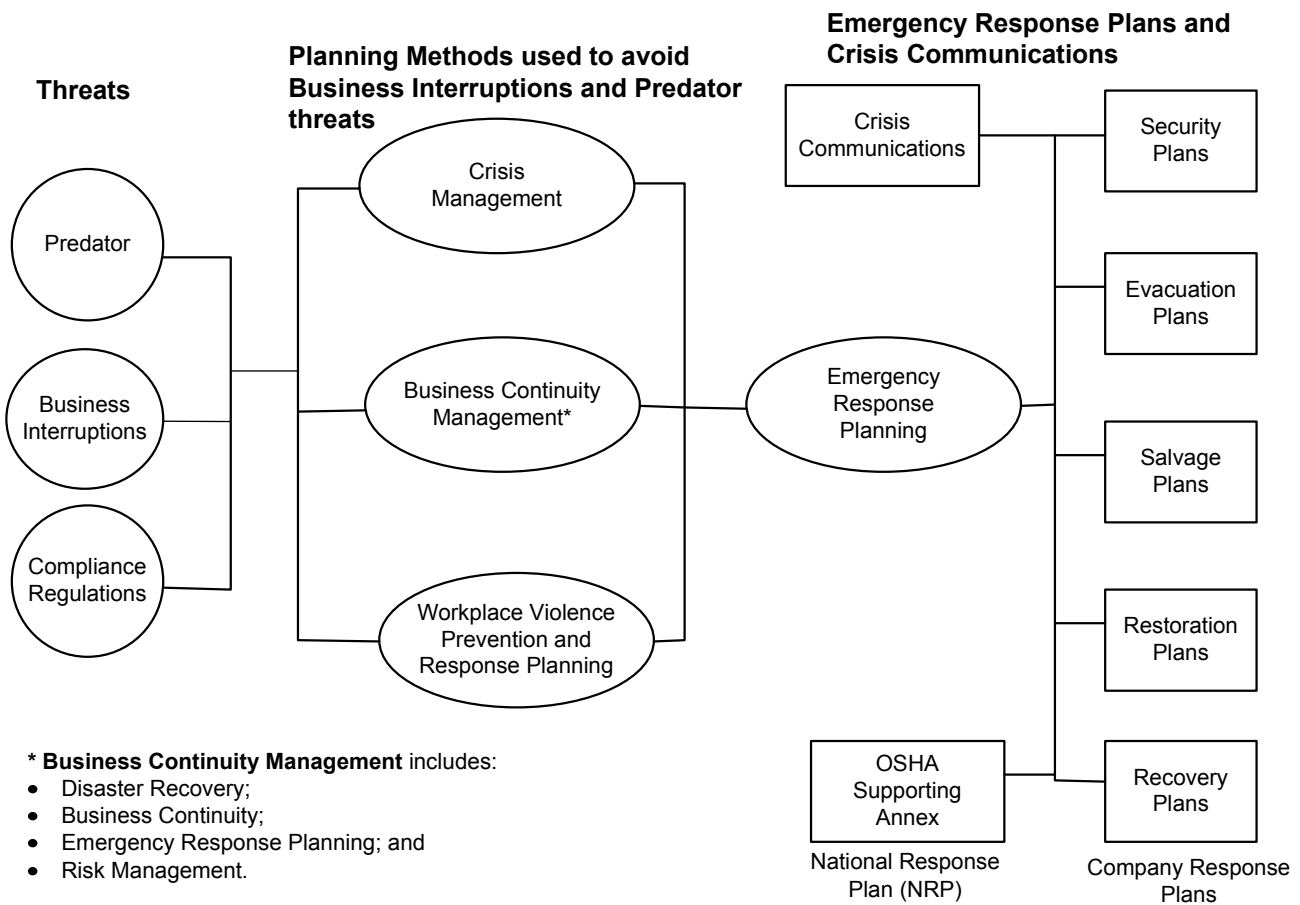
Learning Objectives to be enabled through this case study include:

- 1.1 Participants will be able to identify and coordinate **crisis planning** measures when creating an appropriate **emergency management response** due to a potential **Workplace Violence Incident**.
- 1.2 Participants will be able to recognize, coordinate, and identify major steps in the **response planning process** to minimize the potential threat posed by a **workplace predator** and/or a **business interruption**.
- 1.3 Participants will be able to integrate and **coordinate their decision making response** in the face of exigent circumstances absent of Senior Management, **First Responders**, and other **Emergency Management Personnel** through documented procedures and guidelines;
- 1.4 Participants will be able to discuss the value of **integrating the Workplace Violence Prevention Response Plan** with the **Security, Evacuation and Crisis Management Plans**.
- 1.5 Participants will be able to recognize the value of **coordinating** the Workplace Violence Prevention Response Plan with the **Business Continuity Plan** to minimize business disruptions and expedite the recovery of business operations.

Lessons to be learned from this case study include:

Figure 2: Emergency Response Planning and its components

Emergency Response Planning environment



As you can see, the Emergency Response Planning process is extensive and complicated, having to address a range of potential Business Interruptions, Compliance issues, and Predator disaster possibilities which would affect Personnel Safety, Business Operations, the Reputation of the Business, and the successful support of the Customers and Local Community.

Company Recovery Plans and National Recovery Plans are created through the process shown above. Failure to produce these plans can result in loss business, customer dissatisfaction, loss of reputation, and lawsuits from customers and compliance regulators. It can quickly become very expensive if you fail to develop a recovery plan for a Disaster Event or a Workplace Violence Incident.

Part 2 The Supervisor's Report of the Potential Threat

It's now Friday morning at 8:00 AM, February 15, 2008 and you are at work in your office reviewing reports. You are the Director of Human Resources for the Allied Equipment and Supplies Company a publicly traded company that has 2,500 employees in the metropolitan New York area. Your company has 5 offices in the Tri State area. You are at corporate headquarters in Melville NY. As head of HR, you are also the company's go to person for all emergencies and act as the designated Crisis Team Manager. This is the way it has been for years without any real problems.

You also have the dubious distinction of oversight for the security function that reports to you. Security is the additional duty of the facility manager. A proactive response to emergency preparedness was not a conscious business objective. Regrettably, the facility manager did not have a security background and he did the best he could. You have managed to get to this point without any major problems. You know that there is a developed security plan which incorporates some aspects of emergency preparedness. You know he modeled it after a similar plant's plan.

You have been handed a premature Workplace Violence Prevention and Response Plan that is supposed to be incorporated into the company's security plan. You notice that the OSHA Supporting Annex to the National Response Plan has not been incorporated into the security plan let alone understood. You are concerned because as a printing plant you store chemicals in the plant that require special handling, which would be identified in the OSHA Supporting Annex and used by First Responders.

At around 10.00 AM your phone rings and you hear the hysterically sobbing voice of one of your female supervisors. She tells you that she had just left the Family Court, where she requested a **Restraining Order** against her estranged husband who had been beating her. You asked the female supervisor if she had ever sought their help and she tells you that she thought everyone was aware of what was going on since she had been questioned by the Operations Manager on several occasions about her diminished performance, lack of production and increased days off. She had assumed her responses would be presented to you.

Frantic about the threat to her safety she tells you that her husband threatened to kill her this morning on her way to work. She tells you that she decided she was not going to take the abuse anymore and headed to Family Court to take out a Restraining Order. She tells you he had no idea that she had intended to take out the Restraining Order. She was concerned for her personal safety because in a conversation with him a few moments ago, he said no court could keep him away from her.

Immediate Problem (s)

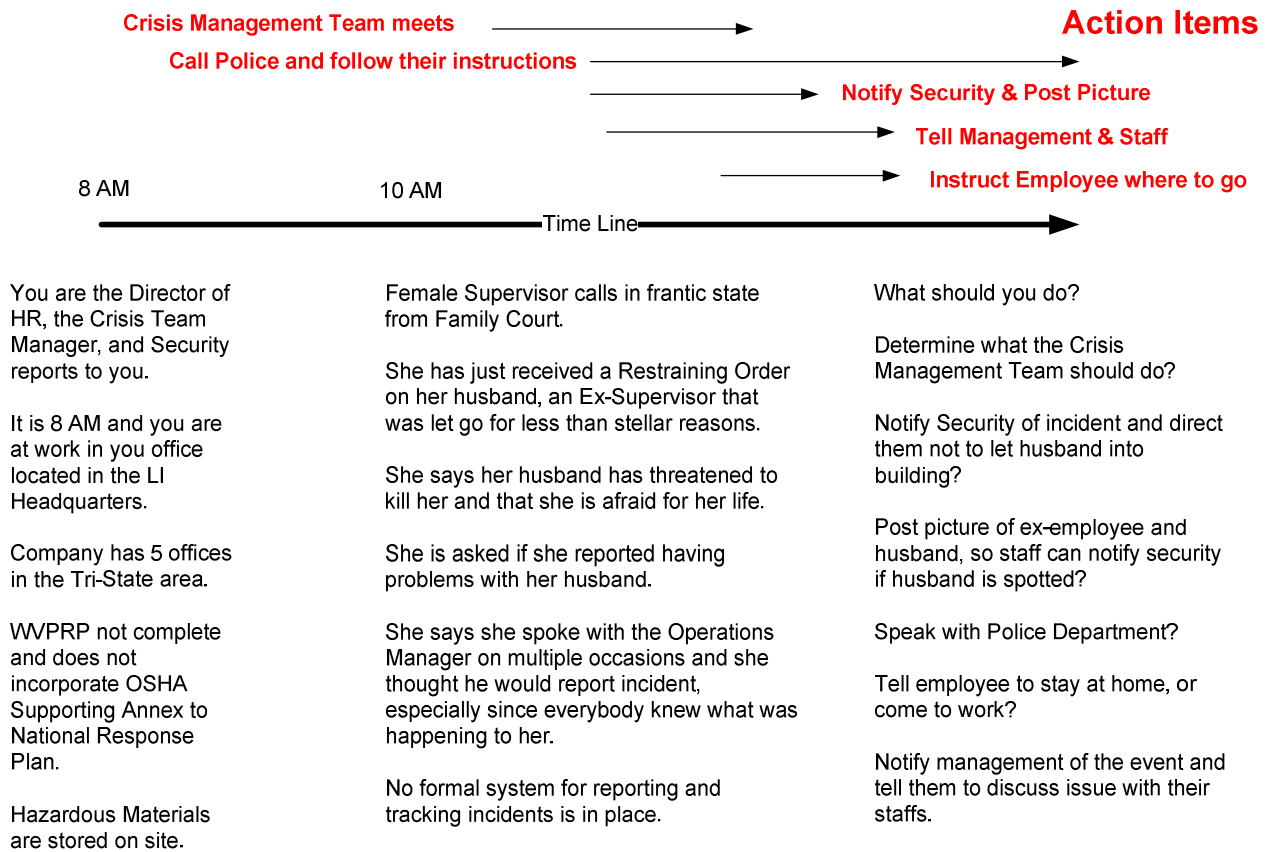
As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks, and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why?

Figure 3: Time line of events and potential threats

The Report of the Potential Threat by the Supervisor

Time Line of events...



As you can see from the diagram above, many activities are triggered by the female supervisor’s call to the Director of HR. Do these actions really happen, or are they just what should have happened? What will the performance or non-performance of these actions have on the outcome of this event?

Action Items shown in Red are types of actions that can be taken, but not necessarily the actions taken by company personnel during this exercise.

Part 3 The Intervention

You attempt to quiet her down and she agrees to stop by your office to discuss the matter and to file the Restraining Order. She arrives at around 11:00 AM appearing completely disheveled and out of control. You wonder out loud how long this has been an existing problem and discover that the Plant Operations Manager had known about the reported battering and abuse but never elevated it or offered her any direct or indirect assistance. Instead you learn from the female supervisor that he offered to listen whenever she wanted to talk. She believed there was some policy that required him to confer with superiors but admittedly she did not ask for help and he did not offer it.

While engaged with the female supervisor she takes a call on her cell phone from her estranged husband. Midway through the conversation, she drops the phone on the floor and runs out of your office hysterical. You run after her for an explanation and she tells you that he is on his way to the plant.

Familiar with the Crisis Management Protocols you exercise the Alert Notification System but fail to notify security until after first speaking to the Sr. VP of Finance and Operations, your boss. You discover that none of the key personnel are on location. In fact, the Sr. VP for Finance and Operations is at the airport experiencing traffic delays and the Plant Operations Manager and VP of Operations are at an Arbitration Hearing. You are all alone when the estranged husband unwittingly is allowed entry to the grounds by the security guard at the entrance booth.

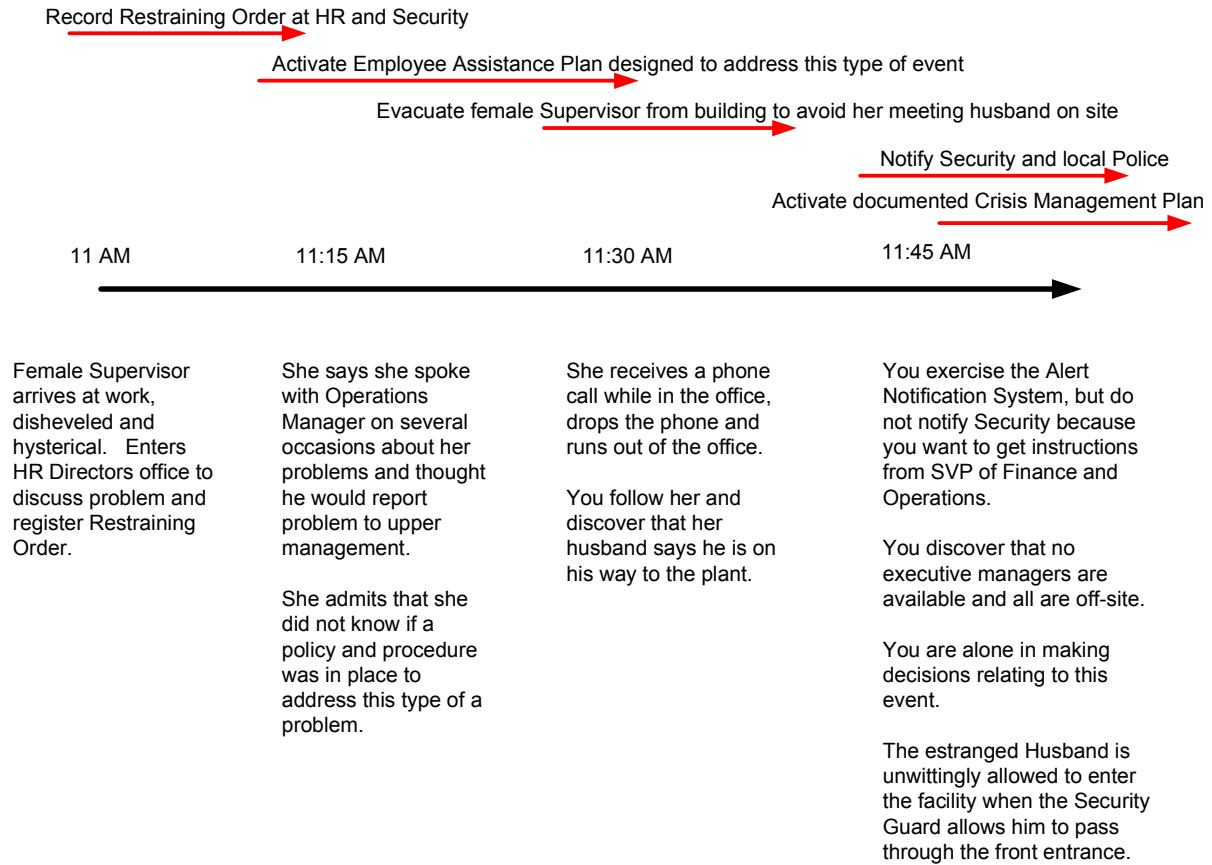
Immediate Problem (s)

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why?

Figure 4: The Intervention time line

The Intervention Time Line



Now the situation is becoming very critical and potentially deadly. You haven't taken very many precautions up to this point and your failure to notify Security has resulted in the Husband entering the plant facility. Since you haven't notified the Police yet, there are no people who could defend against the Husband's using weapons against personnel or/and causing damage to the facilities. You realize you may have moved too slowly, and worse of all, you don't have a plan to follow. So you're facing this problem and have to ad lib your responses, which could result in personnel injuries and a business interruption, financial loss, loss of reputation, and potential civil suits. This little problem is now looking like a real catastrophe, and without any other C-Suite managers available you're alone in the hot seat regarding decision making and leadership.

Part 4 Your Response to the Potential Threat

The Security Guards routinely challenge people trying to enter the location, but they recognize the Husband as a familiar spouse and former employee and give him access. They are unaware of the increasing threat that is unfolding. By the time you notify the Guard Supervisor you learn he is already in the building. He passes by the unsuspecting Receptionist with a hand wave and proceeds to his wife's general work area. Unaware of the estranged husband's current whereabouts, the female supervisor and her estranged husband encounter each other in the middle of the processing and distribution center, the hub of the processing and distribution operations. You have over 100 trucks dispatched and expecting to deliver and reload orders to customers in the metropolitan area. You know the pivotal importance of this operation as it is the command and control hub for all distributions.

Notifying the Leadership Team and the Police:

The C-Suite returns your calls one by one to learn of the latest developments, they instruct you to contain the situation before notifying the police. They specifically tell you to keep them posted of any new developments.

Immediate Problem (s)

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why?

Part 5 **The Shooting**

Shortly after providing your report to the C-Suite, you hear loud screams followed by employees saying “**lookout he’s got a gun**”. You hear several gun shots and see employees running in every direction. You do not know where the shots are coming from but follow the pops and bangs as you hear several more coming from the plant’s workroom floor. On the way there you grab an employee to ask what happened. He tells you that “**he shot her and shot a guy standing next to her**”. Upon your arrival you observe the gunman standing over the slumped bodies of a female who later turned out to be the estranged husband’s wife and a co-worker she asked to accompany her to your offices. The co-worker is moving but she is still. The gunman turns and notices you approaching. He points his gun at you and halts you in your tracks. He tells you to come towards him. You plead with him not to shoot you when he hears the sound of sirens approaching. He grabs you about the shoulders and neck and tells you to be still or else. You comply. He begins what appears to be a barricade situation in the chemical storage cage located a short distance from the loading dock doors.

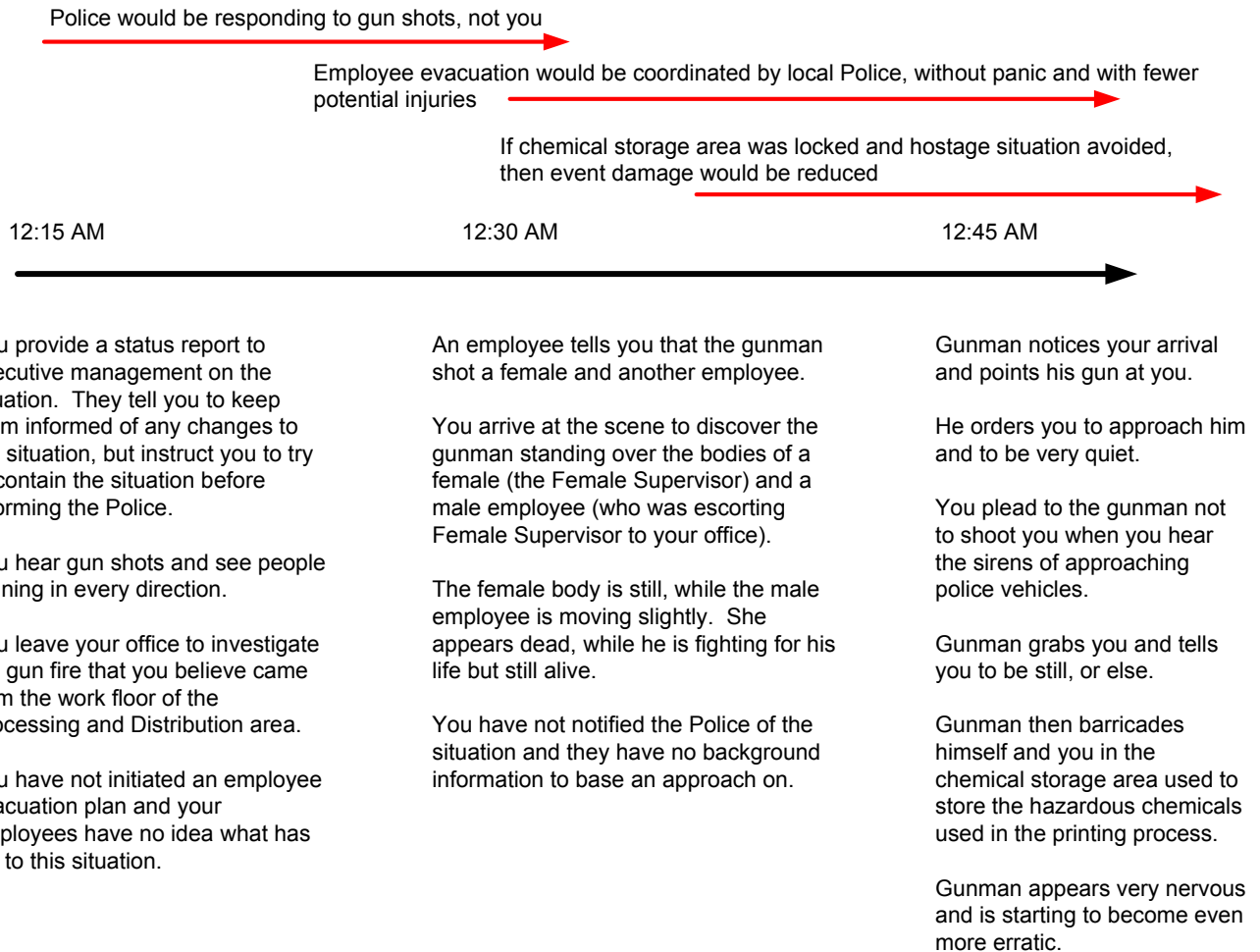
Immediate Problem (s)

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why

Figure 6: The Shooting

The Shooting



Now you can't do anything but what the gunman tells you to do. There is nobody available to make any management decisions. The guards were just informed of the situation when it swung out of control and the police are in route without any background information regarding the husband and wife's problems. Instead of managing the situation you are now a part of the problem and the company has nobody on site to provide the police and employees with the information they may need to best respond to this event.

The mistakes made so far include not informing Security and Police, as well as not preparing a method for evacuating employees who may be affected by the threat. Your business is now interrupted and personnel are evacuating the building in a chaotic manner. You are having a hard time determining who has evacuated successfully because a plant evacuation plan was not put in place.

Part 6 The Stand-off

The disgruntled spouse has barricaded himself in the highly volatile chemical storage cage. You are concerned because its approximate location to the operations poses some safety challenges for the First Responders, addressed in the OSHA Supporting Annex that you've never had the time to review with the Facility and Security Managers. Worst yet, you had not found the time to brief the leadership team on the requirements and impact of the situation. The evacuation and the response have begun to complicate the situation since the location of the chemical cage is close to the general distribution and shipping operations area where many people work.

Also perplexing you is the lack of integration of the Workplace Violence Prevention and Response Plans into the Business Continuity Plan. You are worried that the lack of coordination will delay the response time by the police when they detect potential risks to First Responders. You also know that the interaction between your staff and the EPA on the type of chemicals being stored will further complicate the command and control of the trucks dispatched on their routes with customer deliveries and the coordination of new orders. You begin to blame yourself for not being a bit more proactive and assertive in articulating the importance of the integration of the security plans with the Business Continuity Plans. You begin to see the business impact on the overall operations but you have no plan. You know there is no established response to the obvious business interruption and are concerned with lack of continuity in your Crisis Management Preparedness.

Immediate Problem (s)

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

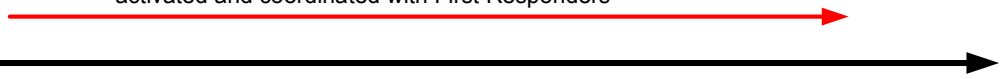
Discuss Actions, Priorities, Challenges and Problems and Why?

Figure 7: The Stand-Off

The Stand-off

Crisis Management Plan and OSHA Supporting Annex should be activated and coordinated with First Responders

1:00 PM



Gunman is barricaded in chemical storage area with the Director of HR.

Chemical storage area poses significant challenge to First Responders as addressed in OSHA Supporting Annex, which has not been reviewed with Facility and Security managers.

Executive Management has not been briefed on OSHA Supporting Annex and its importance to First Responders and the business. They are not aware of its impact on the present situation and how it will impact the business going forward.

Location of chemical storage area is affecting personnel evacuation and the ability of First Responders.

Workplace Violence Prevention and Response Plans and Business Continuity Plans have not been created for this type of situation. They are not integrated to define when a Business Continuity Plan should be initiated based on a Workplace Violence situation.

This lack of preparation is affecting the Police and First Responders ability to rapidly respond to this situation, elongating the business interruption.

You fear that the EPA will react to this situation by halting the trucks you already have on the road making deliveries to customers and stopping further deliveries in the future until a full investigation is conducted. Effectively putting the company out of business.

You begin to blame yourself for not being more proactive in integrating Workplace Violence Prevention Response Plans, Business Continuity, and Personnel Evacuation Plans,

The impact on the business to this point is significant.

You cannot process or distribute any orders to customers and their businesses are suffering financial and reputation damage.

You have suffered two casualties so far and may realize more as time goes forward.

At this point the business is not functioning and you do not know when it will be.

Your customers are screaming for deliveries, but EPA has stopped your fleet of trucks until the chemical investigation has completed.

The jobs of 2500 people are on the line because of this incident and you do not know what to do about it.

The company is at a standstill. Your staff is in chaos and the EPA has stopped your trucks from delivering materials to customers. Your customer’s businesses are suffering and the reputation of your company is severely affected by this event. You have no Business Continuity Plan to follow and your Crisis Management Plan never envisioned this type of an event. In the eyes of the business community, your company is not prepared and can probably be held liable for the damages suffered by employees and customers alike. You see many law suites ahead and feel the company may not be able to survive this event.

Part 7 The Situation Escalates into a Business in Turmoil

Locked in the cage with the gunman and at his mercy you calmly begin to tell him of the dire straights of the situation and make pleas for his compassion and understanding. You try to shift the victimization from him to you. It seems to work as he allows you to speak with your superiors to inform them of the situation. So convincing are you that he talks of releasing you. During your efforts to keep him calm, the suspect notices police approaching the general area. He threatens to kill you and commit suicide. All operations at the plant and the businesses in the industrial park come to a complete standstill as the police enter into negotiations with the gunman.

With the police and fire rescuers at bay, there is a sudden change in the suspect's demeanor, you sense he is unraveling. He begins cursing and yelling. You feel you have lost control and feel an increased tension.

After several hours of the stand-off, what sounds like several gunshots followed by an ignition of the stored chemicals in the cage and a sudden explosion is heard. Rescuers in the immediate area manage to escape the first blast safely when there are a series of successive blasts followed by black willowing smoke. They report the suspect shot the HR Manager twice then committed suicide. They theorize that one of the rounds fired at the HR Manager may have been a flesh wound penetrating the HR Manager and lodging into the chemical containers igniting the blast. **The stand-off is over but new problems arise.**

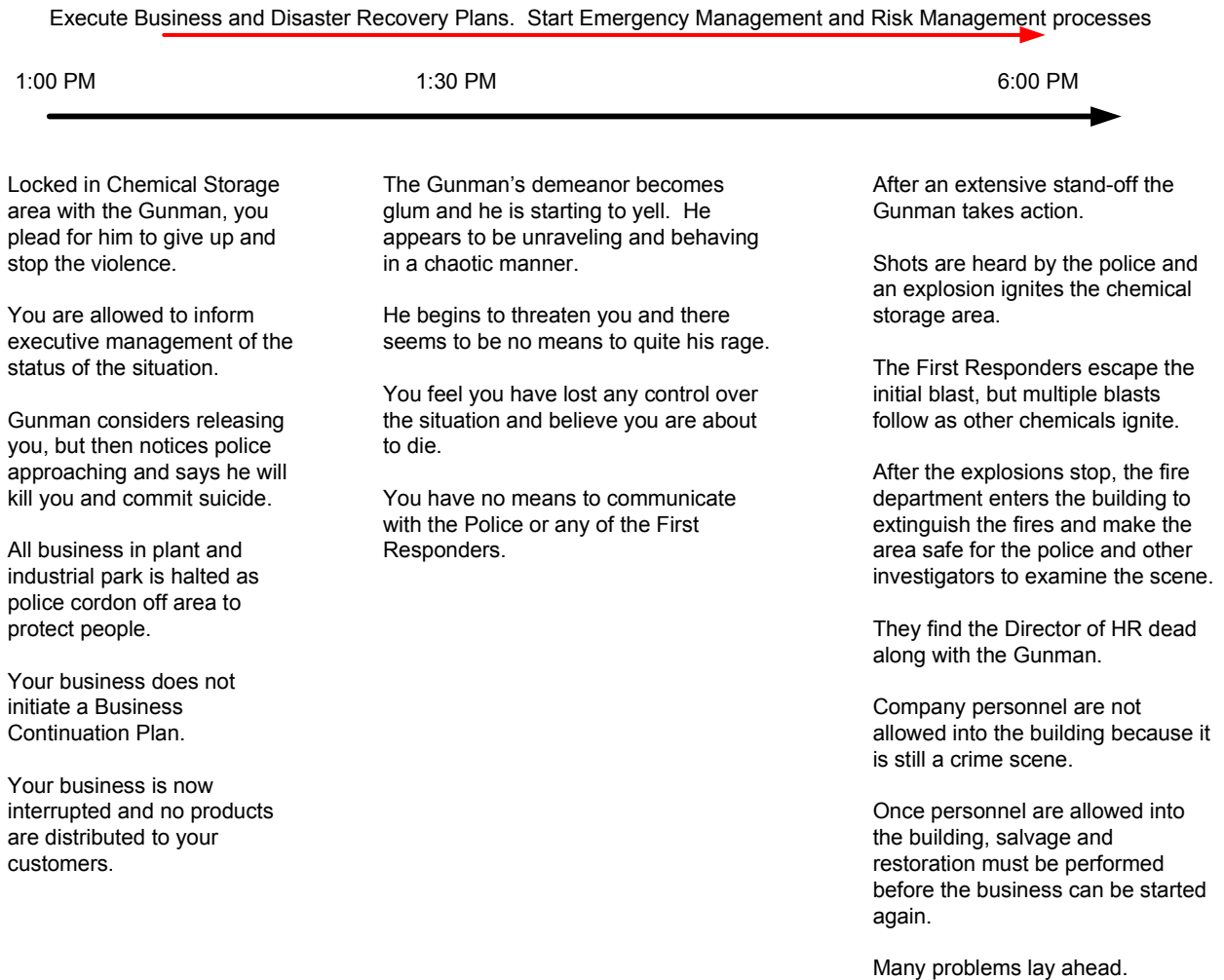
Immediate Problem

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why?

Figure 8: The situation escalates into a Business in Turmoil

The situation escalates into a Business in Turmoil



You know many problems have occurred because of this apparently minor situation, but many more problems lay ahead. Your business has been interrupted and you still have not initiated a Business Continuation Plan. The reputation of the business is damaged and your customers are suffering financial loss due to your inability to respond to this event. People have been killed and hurt and the news media is all over the event. At this point executive management is scrambling to make decisions that will save the business and calm customer concerns, but no formal Crisis Management Statement is made. You have no idea how long salvage and restoration procedures will take, let alone how to continue the business during this crisis. Things don't look good and you're searching for ways to make things better, but how?

Part 8 The Business Continuity Plan

The Situation:

It is now 8 -12 hours into the shooting, hostage-barricade, suicide and explosion timeline. None of the staff have been able to go home, because they are trying to deal with the various challenges and issues at hand. Because of the length of the stand-off all of the team members have been working almost nonstop trying to be of assistance to the police and other emergency personnel. Your team is exhausted and you have not begun to deal with the Business Continuity issues as yet. Additionally, media outlets are looking for a statement regarding the victims and a status report.

You know that all employees have been accounted for save one who did not call in today. You know of the two shot employees laying on the plant floor but are unaware of the several other employees the Gunman encountered on the way in that have been seriously injured. You face a horde of questions from the C-Suite, the media and the employee unions. Senior Management is calling constantly for status updates and wants to know what the Crisis Response Team is doing to get the business up and running

Immediate Problem (s)

As a member of the Crisis Response Team (CRT) what are your priorities and responsibilities, implied and direct tasks and considerations? What actions should be taken?

Discuss Actions, Priorities, Challenges and Problems and Why?

Figure 9: Business Continuity Management and Desired Results

Business Continuity Management

Business Continuity Management disciplines are comprised of:

- Disaster Recovery to cover Information Technology;
- Business Continuity to address how to restore business operations;
- Emergency Response Planning to respond to natural disasters and environmental concerns;
- Crisis Management to protect against and coordinate actions if disaster events occur; and
- Risk Management to address compliance, vendor relationships, insurance, and business requirements.

Ten step process to develop and implement Business Continuity Management practices, include:

- Project Initiation and Management;
- Risk Evaluation and Control;
- Business Impact Analysis;
- Developing Business Continuity Management Strategies;
- Emergency Response and Operations;
- Developing and Implementing Business Continuity Plans;
- Awareness and Training Programs;
- Exercising and Maintaining Business Continuity Plans;
- Crisis Management and Communications; and
- Coordinating with External Agencies and the general community surrounding company locations.

Desired Results:

- Business Continuity Management disciplines implemented and integrated within everyday functions performed by staff;
- Workplace Violence Prevention Response Plan created and integrated with Standards and Procedures;
- Crisis Management Plan;
- Emergency Response Plans to address environmental and natural disasters;
- OSHA Supportive Annex created and National Response Plans provided to national agencies;
- Personnel Evacuation Plans and External Notification of Vendors and Customers of a crisis event;
- Better communications with businesses surrounding your facility;
- Better coordination with First Responders and the Police Department;
- All disciplines integrated within everyday functions performed by personnel;
- Standards and Procedures Guidelines are documented and available to authorized personnel; and
- Awareness and Training programs provided to personnel with current and accurate procedures to follow in the event of a disaster event.

You can see that many lessons were learned through this exercise, but does your firm have these procedures in place? If not, then you may be interested in discussing your problems with us to determine what gaps and exceptions exist in your environment. We are prepared to perform a Risk Assessment of your environment and provide management with an analysis of how safe your environment is and what additional controls have to be implemented to mitigate your gaps and exceptions.

We hope you have learned from this exercise and that your lessons learned results in a more safeguarded environment that is capable of protecting your personnel, reducing business interruptions, and responding to the compliance issues facing your organization.

Should you wish assistance, we look forward to working with you in the future.

The costs associated with Workplace Violence

The OSHA “General Duty Law” states that every employee must be provided with a safe environment free of foreseeable problems. To accomplish this requirement, companies must:

1. Develop and Implement a comprehensive Workplace Violence Plan;
2. Use Best Practices for Physical Security and Access Controls; and
3. Train employees on Workplace Violence and Employee Assistance Programs.

Workplace Violence event statistics;

Numbers and Monetary Costs:

- 2.1 million Workplace Violence incidents per year;
- 5,500 incidents per day;
- 17 homicides per week;
- Average monetary award for a sexual abuse incident is \$78,000; while
- Average monetary award for a Workplace Violence incident is \$2,100,000; and
- After a Workplace Violence event a companies stock price usually falls 15% for 250 days on average (as reported by the Oxford Survey).

Causes and Culture:

- The number 1 cause of Workplace Violence is loss of job or perceived loss of job;
- Workplace Violence incidents are presently being addressed in a REACTIVE manner, but companies are trying to address problem PROACTIVELY;
- The Corporate Culture must first accept importance of having a Workplace Violence Plan that is embraced and backed by C-Suite management;
- A “Duty to be Warned” policy must be implemented so that employees being threatened are warned and potential hiring companies are informed of an employee being released due to violent actions when a background check is requested;

Workplace Violence event offender profile is:

- Loner between the ages of 26 and 40 who was made fun of and abused as a youth;
- Culture change has resulted in offender using a gun in today's environment;
- He does not like criticism and does not like people in authority;
- His identify is made up of his job, so if he is threatened by loss of job he will view this as a loss of his identify / life and will respond violently;
- Instead of Workplace Violence, offender may use computer virus, arson, or other methods to ruin business in response to loss of identity / life due to firing or perceived firing;
- Hiring tests can be used to identify potential Workplace Violence offender; and
- Employee Assistance Programs can be developed to help personnel cope with a wide variety of personal like and work related crisis that could result in the avoidance of Workplace Violence events. A range of these programs should be developed and provided to personnel. Mechanisms should also be installed to allow for the identification of new types of problems areas that would require additional Employee Assistance Programs.

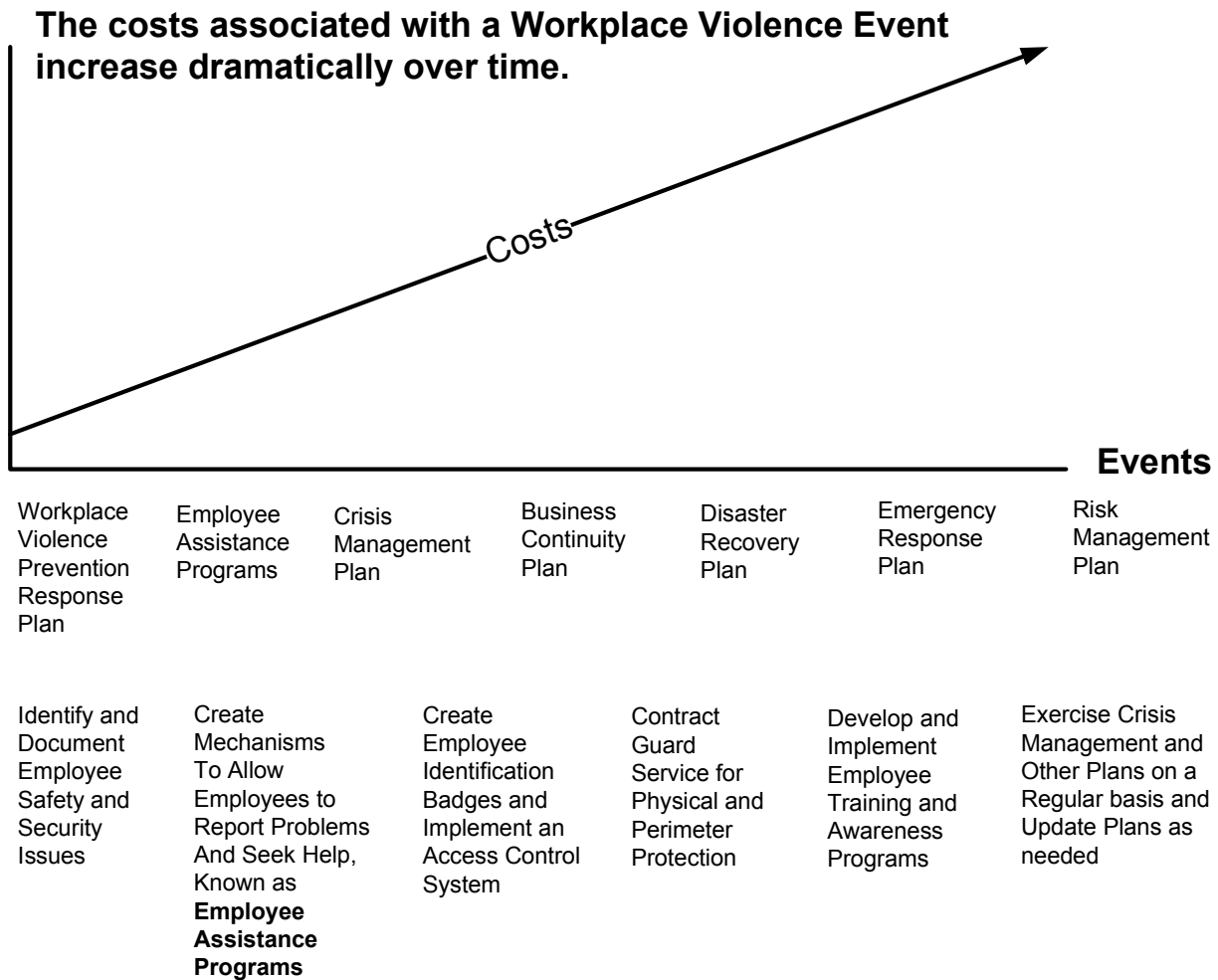
Violence Continuum

Prior to a Workplace Violence event, offenders exert the following characteristics:

- Indirect threats and subtle warnings;
- Attention seeking and more pronounced actions like banging walls and loud warnings;
- An adverse termination will trigger a violent event;
- A confrontation will trigger a violent event;
- The offender's personality will change radically, indicating depression and his giving up;
- Offender withdraws from work and society, indicating he is about to explode (usually occurs 72 hours prior to event)

Reducing Workplace Violence event costs and safeguarding your business

Figure 10 - Workplace Violence event costs increase over time



If and Employee Assistance Program was available to the Female Supervisor this entire event may have been avoided with very little costs to the company, but the result of this scenario was: one person killed; some other people injured; a total collapse of the business operation; customer business operations interrupted; neighbor companies in the Industrial Park having their businesses interrupted; and a range of law suites pending for loss of life, injury, compliance, and loss of business - a very expensive outcome to a situation that could easily have been avoided. It is for this reason alone that companies should incorporate the plans and activities shown above. We stand ready to assist you achieve these goals.

Appendix

What Is Workplace Violence?

Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site. Workplace violence can affect or involve employees, visitors, contractors, and other employees.

A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations such as domestic violence or “road rage.” Workplace violence can be inflicted by an abusive employee, a manager, supervisor, co-worker, customer, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence is not to be accepted or tolerated.

However, there is no sure way to predict human behavior and, while there may be warning signs, there is no specific profile of a potentially dangerous individual. The best prevention comes from identifying any problems early and dealing with them. Each company should have an Employee Assistance Program (EAP) in place which serves as an excellent and confidential resource available to all employees to help them identify and deal with problems.

Example of Workplace Violence Employee Handbook

<http://www.usda.gov/news/pubs/violence/wpv.htm>

As a result of a Workplace Violence Prevention project, an Employee Handbook will be created and provided to each employee as required. This booklet will outline how personnel can report potential / real Workplace Violence and Security violations to management and seek resolution of the concern. Included in this booklet are: Employee, Manager, and Supervisor responsibilities; Department Head responsibilities; Human Resource Management staff responsibilities; Employee Assistance Program counselor responsibilities; Union / Employee Organization responsibilities; Security / Facility staff responsibilities; Law Enforcement staff responsibilities; and Conflict Resolution Office responsibilities.

History, Ethics, Laws and Penalties relating to Workplace Violence

http://www.elt-inc.com/Terror_and_Violence_in_the_Workplace.html

Overview of Workplace Violence statistics

The National Institute for Occupational Safety and Health defines workplace violence as any physical assault, threatening behavior, or verbal abuse occurring in the workplace. A workplace may be any location, either permanent or temporary, where an employee performs any work-related duty including, but not limited to, the building and surrounding perimeters, such as parking lots, field locations, clients' homes, and traveling to and from work assignments.

While the number of workplace homicides has decreased in the past few years, no one can ignore the reality that violence is still a serious issue for our communities, our schools, and our workplaces. According to the National Crime Victimization Survey (NCVS), 1.7 million violent crimes occurred in the workplace between 1993 and 1999, including 1.3 million simple assaults, 325,000 aggravated assaults, 36,500 rapes and sexual assaults, and 70,000 robberies. According to the NCVS, workplace violence accounted for 18% of all violent crime between 1993 and 1999. Employers are responding with added security measures and preventative training.

The Bureau of Labor Statistics' Census of Fatal Occupational Injuries reports 631 workplace homicides in 2003, which is an increase from 2002, when there were 609 homicides (the lowest number since the Bureau began its Census). Overall between 1994 and 2003, work-related homicides decreased by 42% and the most recent U.S. Department of Labor Study, shootings accounted for 77% of all workplace homicides. Homicides

Other Potential Sources of Liability

Duty to Warn

Courts may recognize a duty by an employer to warn employees who are the targeted victims of workplace violence. The foundation of such a duty may arise from judicially created public policy. For example, the California Supreme Court held that when a psychotherapist determines that a patient presents a serious danger of violence to another person, the psychotherapist has a limited duty to break the confidentiality of the professional relationship and make reasonable efforts to communicate the threat to the targeted victim or victims and also to a law enforcement agency. If the psychotherapist cannot communicate with the intended victim(s), the psychotherapist must make reasonable efforts to inform others likely to notify the victim(s).

Courts in many other states that have considered the issue have followed the Tarasoff decision and imposed a duty to warn on psychotherapists in similar factual circumstances. New York's Appellate Division, Fourth Department, citing Tarasoff, declared that the protective privilege ends where the public peril begins.

As courts around the nation increasingly impose liability for negligence in hiring and retaining employees who terrorize workplaces by violent acts, courts may also use the same reasoning to impose liability on employers for negligent failure to warn the targeted victim.

Respondent Superior

The doctrine of respondent superior may be used to impose obligations on employers under an employment or agency relationship. Under this doctrine, an employer may be held vicariously liable for violent acts committed by its employees or agents within the scope of their employment, even if the employer is not directly responsible for the conduct. As a general rule, under the doctrine of respondent superior, an employer is liable for injuries to another proximately resulting from an employee's acts that are done within the scope of employment.

For example, in California, an employer may be found liable for an employee's torts committed within the scope of employment even if the employee's torts are willful, malicious or criminal. The employer is not liable, however, for actions that do not have a causal link to the employee's work. Employers will generally not be liable for conduct that is outside the course and scope of employment.

Intentional Infliction of Emotional Distress

Employers should be aware that they may be subject to claims for intentional infliction of emotional distress (IIED), which generally has four elements:

- (1) intentional or reckless conduct;
- (2) conduct that is extreme and outrageous;
- (3) a causal connection between the wrongful conduct and the emotional distress; or
- (4) severe emotional distress.

In 2004, the Court of Appeals for the Fourth Circuit held that an employer could be liable for IIED where it knowingly allowed the violation of a protective order held by an employee. In *Gantt v. Security USA*, the plaintiff employee had informed her employer that she obtained a protective order against her former boyfriend. The employee's supervisor, who was aware of the restraining order and that the plaintiff's former boyfriend had spoken of killing her, assigned the plaintiff to an unsecured post and permitted the plaintiff's estranged boyfriend access to the her. The former boyfriend then kidnapped the plaintiff from her workplace at gunpoint, assaulted her, and raped her. The court found that while summary judgment was appropriate as to the IIED claims arising out of the plaintiff's abduction and rape, because her supervisor did not intend to impose those injuries on the plaintiff, the IIED claim arising out of her assignment to an unsecured post raised a genuine issue of material fact as to whether the supervisor intended to inflict emotional distress the plaintiff might suffer from talking to the former boyfriend.

NYS Workplace Violence Prevention Law

A short overview and factsheet describing the NYS Workplace Violence Prevention Law can be found at the link below.

<http://www.pef.org/stopworkplaceviolence/files/OverviewFS.pdf>

For more details about how to develop an effective Workplace Violence Prevention program, see <http://www.pef.org/stopworkplaceviolence/index.htm>

Workplace Violence Prevention Factsheets

- [Overview Workplace Violence Prevention Law](#) (Requires [Adobe Reader](#))
- [Workplace Violence Law - Key Elements of a Workplace Violence Prevention Program](#) (Requires [Adobe Reader](#))
- [Workplace Violence Prevention Factsheet](#) (Requires [Adobe Reader](#))
- [Warning Signs That an individual Could Become Violent](#) (Requires [Adobe Reader](#))
- [Security Checklist for Workplace Violence Prevention Program](#) (Requires [Adobe Reader](#))
- [Hazardous Duty Pay FAQ](#) (Requires [Adobe Reader](#))

- [Active links to helpful H&S information](#)
- [Health and Safety Home Page](#)
- [Workplace Violence Prevention Homepage](#)

Preventing Workplace Violence and creating a Crisis Management Plan

The link below will provide you with some key insights to Workplace Violence and how to create a Crisis Management Plan. It outlines some of the services provided by Nater Associates, Ltd.

<http://management.about.com/b/2008/02/18/preventing-workplace-violence-3.htm>

Services Provided by Thomas Bronack

Figure 11: Services provided by Thomas Bronack

Services provided by Thomas Bronack, include:

- **Management presentation on Workplace Violence Prevention and their responsibility to protect their employees, customers, visitors, vendors, and neighbors;**
- **Definition of Compliance Laws and Regulations affecting client company;**
- **Workplace Violence Prevention Tabletop exercise to illustrate weaknesses and importance of a Workplace Violence Prevention Plan, Employee Assistance Programs, and Employee Handbook;**
- **Workplace Violence Prevention Risk and Vulnerability assessment to uncover exposures, gaps, and exceptions;**
- **Workplace Violence Prevention Response Plan to protect employees and minimize business interruptions (NYS Workplace Violence Prevention Law), with accompanying Employee Assistance Programs and Employee Workplace Violence Prevention Handbook;**
- **Information and Physical Security Plans to prevent unauthorized access to company locations and sensitive information;**
- **OSHA Supportive Annex and National Response Plans, as needed;**
- **Business Continuity Management services, including: Disaster Recovery, Business Continuity, Emergency Response Planning, Crisis Management, and IT Risk Management functions;**
- **Personnel Evacuation and External Notifications Plans to alert Vendors and Customers of a disaster event and instruct them on the procedures to follow during the event;**
- **Crisis Management and Communications Plans to coordinate actions with Executive Management, Personnel, First Responders, Police Department, Fire Department, Customers, Surrounding Companies within the general community, and the Media;**
- **All procedures and guidelines documented within a Standards and Procedures Manual that all authorized personnel can access;**
- **Awareness and Training programs provided to designated personnel; and**
- **On-Going Support and Maintenance going forward, as needed.**

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