

Suggestions for Preventing Workplace Violence

April 30, 2001

In an earlier e-mail alert, we discussed Public Act 381 which will make it easier for Michigan residents to obtain a permit to carry concealed weapons. Currently the law is still scheduled to take effect in July. The Secretary of State is reviewing signatures collected in support of putting this matter on the ballot. It is believed that should the Secretary of State certify a sufficient number of signatures, there will be court challenges that may delay a referral to the voters. As we mentioned earlier, the statute expressly permits an employer to prohibit an employee from carrying a concealed firearm while at work. We suggested that employers consider establishing, if they do not already have one, a weapons ban policy as part of an overall strategy to help prevent workplace violence. Some suggestions regarding the establishment of such a strategy are:

(1) *Use of Job Applicant Screening Devices.* Such devices as job applications, reference checks and prior-employer contact, a check for criminal convictions, drug and alcohol testing, and interviews can alert employers to potential problems. [It is, however, important in this regard to obtain a separate consent from the applicant in order to comply with the Fair Credit Reporting Act.]

(2) *Be Alert to Warning Signs of Potential Workplace Violence.* These can include:

- verbal threats of physical harm
- threatening actions
- significant changes in behavior
- a fixation with weapons
- a history of violence

Naturally, the fact that an employee or third party exhibits one or more of these characteristics does not mean that a violent action will take place or even that it is likely; nevertheless, the possibility of a violent incident should be considered. An employee's report that a co-worker or third party is exhibiting or threatening violent behavior should be investigated immediately.

(3) *Create, Disseminate and Implement Reporting Procedures.* Every employee should know where and how to report potentially violent situations. Employees should be instructed to contact Human Resources or other designated management personnel when they become aware of any threats or questionable behavior by co-employees, regardless of how serious they believe the threats or behavior to be.

(4) *Investigate Any Reported Problems.* The employer should conduct a thorough investigation of any reported threats. Employers should have an established procedure to follow when investigating threats of violence. Such procedures can include: a) Convening a threat-assessment response team. The team might consist of someone from Human Resources, line management, a psychological consultant, and legal counsel; b) Interviewing the informant and others who may have information; c) Discussing the issues raised in the investigation with the alleged threatening employee; and d) Interviewing the supervisor of the alleged threatening employee. Notes should be kept of all interviews and discussions.

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The investigation process, and the information gathered as a result of it, should, of course, be kept confidential.

(5) *Take Appropriate Disciplinary Action for Violations of Company Policies* . When the employer's investigation reveals that the employee's conduct has, in fact, violated Company policies, the employer should apply and follow its disciplinary policies and procedures. The type of disciplinary action which is appropriate will depend on the circumstances. As in all discipline situations, it is important to consistently apply and follow the Company's policies and procedures.

If you need any help in evaluating current workplace violence policies and procedures, or developing new policies and procedures, please feel free to contact:

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