

Workplace Violence

Workplace violence can consist not only of physical violence, but also verbal comments and threats. Workplace violence does not happen often, but it does happen, and it is critical that employers have a clear and definitive workplace violence policy in the event that they are forced to deal with possible situations.

The employer is accountable to address any workplace acts of violence perpetrated against an employee. Supervisors should be aware of and trained on the employer's workplace violence policy, and be able to identify threatening situations and escalating behaviors in the workplace including fighting, aggression, verbal threats, and overt acts of hostility. Supervisors need to be aware of interpersonal dynamics between employees and be prepared to intervene if employees are unable to get along. Concerns should be reported to Human Resources when necessary and appropriate action to resolve issues can be taken. Negligence in supervision is when the employer is aware of a violent or problematic person and does nothing about it. When this occurs, the employer is considered accountable for any harm that may befall employees during the work day.

If violence occurs, the first priority is to stop the violence. Call the police when the situation demands it. Once peace is restored, the Human Resources department needs to start an investigation immediately, and, depending on the facts of the investigation, determine the best course of action, especially if it includes the necessity to terminate one or more employees. Doing so may also give the employer the opportunity to reinforce the workplace violence policy and let all employees know that no type of violence will ever be tolerated.

Contact: *Elizabeth M. Garcia, Esq., Shareholder and Department Chair, Labor and Employment Law*
egarcia@parkermccay.com, 856-985-4038