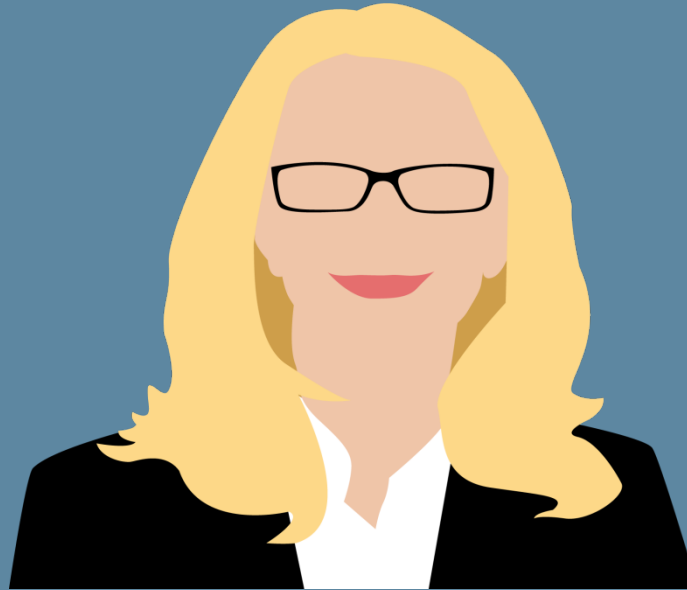


Legal Lunch with Laura



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Future 2013 Lunch Date

Tuesday, November 19, 2013

The Confusion Over Social Media in the Workplace

*Webinars are held on the third Tuesday of every other month from 12:00 – 1:00 p.m.

Violence in the Workplace: Protecting Employees and Reducing Organizational Liability

Presentation by
Delegate Jon S. Cardin, Esq.
Laura L. Rubenstein, Esq.

Meet Jon S. Cardin, Esq.



Delegate Jon S. Cardin is a Democrat representing District 11 (Baltimore County) in the Maryland House of Delegates. Jon introduced and helped pass Maryland's cyber-bullying law, that makes it a misdemeanor to repeatedly and maliciously bully a minor through a computer or smart phone.

When Jon is not in legislative session, he is a practicing attorney at the Law Office of Jon S. Cardin.

Jon has announced his run for Maryland Attorney General.

Objectives for Today's Webinar

- Identifying problematic situations
- How to prepare employees to respond to violence
- Basic emergency procedures to have in place
- Understanding the legal processes involved

Disclaimer: This webinar is provided for informational purposes only and is not deemed legal advice. Participation in this webinar does not create an attorney-client relationship with Attorneys Cardin or Rubenstein or Offit Kurman. The opinions expressed throughout this webinar are the opinions of Attorneys Cardin and Rubenstein and may not necessarily reflect the opinions of Offit Kurman.

What is workplace violence?

An act of aggression, physical assault, or threatening behavior that occurs in a work setting and causes physical or emotional harm to customers, coworkers, or managers. Broad definitions of workplace violence also often include acts of sabotage on work-site property.

Violence vs. Discrimination

This webinar is focusing on workplace violence, not workplace discrimination or harassment on the basis of a protected classification under federal, state or local law.

Webinar Poll

Have you ever been a victim of workplace violence?

A. Yes

B. No

Yesterday's Shooting at the Washington Navy Yard

- Shooter was 34
- Recently separated from employment with a government contractor
- He still had his access card to enter the secure government site
- Had prior arrests for violence
- Owned guns
- Passed a government background check

Workplace Violence Statistics

- The Bureau of Justice Statistics' National Crime Victimization Survey (NCVS) estimated the number of nonfatal violent crimes occurring against persons 16 or older while they were at work in 2009 at **572,000**.
- Approximately **137,000** workers were treated in emergency departments for nonfatal assaults in 2009.

*Source: Consumer Product Safety Commissions' National Electronic Injury Surveillance System (NEISS) that is collected in collaboration with NIOSH (NEISS-Work Supplement). CDC Website.

Workplace Homicide Statistic

The Bureau of Labor Statistics reported 468 workplace homicides in the United States in 2011.

Statistics

- Workplace violence is a leading cause of occupational injury.
- Workers in certain occupations—such as nurses, utility workers, taxi drivers, letter carriers, and especially those who work alone or at night—are particularly vulnerable.

Statistics Based on Gender

- In 2011, 21% of female fatal work injuries were homicides. In 40% of these female workplace homicides, the perpetrators were relatives—almost all being a spouse or a domestic partner.
- Only 9% of male fatal work injuries were homicides. In male workplace homicides, 2% of the perpetrators were relatives.

Source: <http://www.victimsofcrime.org/library/crime-information-and-statistics/workplace-violence>

ER Nurses Experience Violence

- 55% of ER nurses reported having experienced physical violence and/or verbal abuse from a patient and/or visitor during a seven-day calendar period in which the nurses worked full-time.

Source: <http://www.victimsofcrime.org/library/crime-information-and-statistics/workplace-violence>

Maryland Workplaces

- Spring Grove Hospital Center in Catonsville, recently reported 66 assaults on staff members that required medical attention.
- 62% of workplace violence in 2010 involved health care workers, who make up 16% of the state's workforce.
- Most attacks require employee time off.

Workplace Violence Prevention Program

- HB774/SB804 (Did Not pass)
- Law would require public and private facilities to improve safety by establishing violence-prevention committees and establish a violence-prevention program;
- Provide annual violence assessments and provide regular

Legislature Concerns

- What concerns lawmakers?
- Are there bills on the horizon?

Risk Factors for Workplace Violence

- Contact with the general public
- Handling money
- Delivering passengers, goods or services
- Having a mobile workplace
- Working with unstable or volatile persons, such as health care, social services or criminal justice settings

Source: (CDC NIOSH)

Risk Factors for Workplace Violence

- Working alone or in small numbers
- Working late at night or early morning hours
- Working in high crime areas
- Guarding valuable property or possessions
- Working in community based-settings

Source: (CDC NIOSH)

Most Recent Active Shooter Incidents

Schools:

- 1999 Columbine HS – 12 students and 1 teacher killed.
- 2007 Virginia Tech. – 32 killed and several injured.
- 2012 Sandy Hook Elementary – 26 killed.

Work:

- 2012 Manchester, Conn. – Beer distributor. 8 killed, 2 injured.

Recognizing Problematic Situations

- Escalation of domestic issues brought into work
- Severe financial problems
- Increased absences
- Inattention to appearance/hygiene
- Tearful, fearful, paranoid or guarded
- Speaking to others who are not present; darting eyes
- Angry or irritable, teeth and hand clenching
- Comments about “putting an end to things”
- Repetitive questions; inability to process instructions
- Increase in unsolicited comments about guns, weapons or violent crimes

Safety is Everyone's Responsibility

- Assign one employee and one back up employee to be responsible for building security (Facility Security Officer – “FSO”)
- Periodically review your safety policies
- Annually retrain all employees on safety policies and procedures
- Encourage employees to speak up to management if they are concerned

Security Assessment

Most local law enforcement agencies will conduct a free security assessment.

Safety Measures

- Ensure employees use a buddy system if there is a potentially dangerous or confrontational situation.
- Trim trees and foliage to permit an unobstructed view of the approach to the workplace.
- Consider implementing security measures for people who work late at night.

Safety Measures

- Keep employees informed of potential violent situations (past client behavior, restraining orders, domestic violence, crime sprees in area).
- Ensure that all visitors are escorted to offices for appointments and chaperoned while in the building.

Security Measures

- Have a “code” that colleagues know means there is danger - - such as “can you please bring me the blue file.”
- Have escape routes and make sure employees follow these same routes.
- Designate at least one person to alert law enforcement of the potential danger.

Poll

Does your workplace have safety policies and emergency plans in place?

☐ Yes

☐ No

Have Situational Awareness

- Read body language.
- Know where to sit for depositions or meetings that could get confrontational.
- Don't push a tense situation.
- Make counseling services (EAP) available to employees.

What Laws Protect Employees?

Workplace violence laws address issues such as the use and possession of guns and other weapons in the workplace, stalking, harassment, and domestic violence in the workplace.

Zero Tolerance Policies

- Employers should also practice workplace violence prevention by establishing workplace violence policies which address issues such as zero-tolerance, identifying potentially dangerous behaviors, and violence response procedures.
- Have annual refreshers for all employees.

Prevention

- Always foster a respectful workplace.
- Be aware of indicators of workplace violence and take remedial actions accordingly.

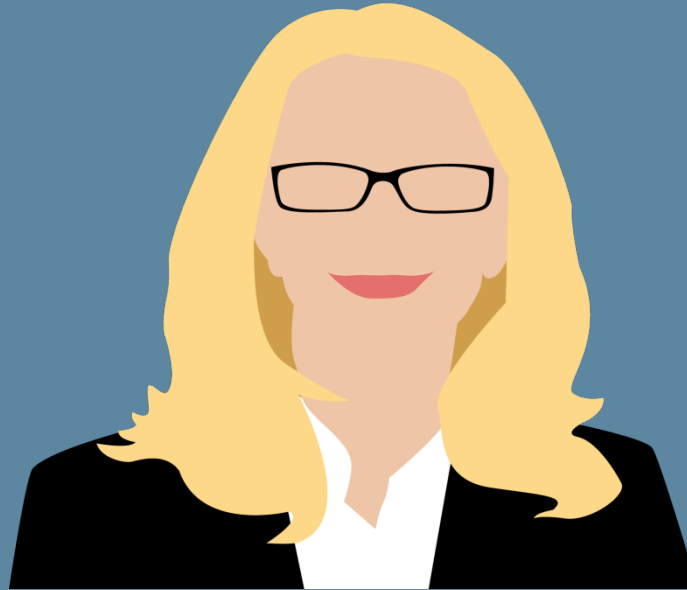
Other Resources

- <https://www.osha.gov/SLTC/workplaceviolence/> - an overview of workplace violence including resources for prevention of workplace violence
- <http://www.fbi.gov/stata-services/publications/workplace-violence> - an FBI response to the 9/11 terror attacks which covers planning and strategic issues for preventing violence, domestic violence and stalking.

Questions?



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