

# Work Safe: Preventing Injuries and Workplace Violence

Gene R. La Suer  
Davis Brown Law Firm



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Workplace Violence

### What is workplace violence?

Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults and even homicide. It can affect and involve employees, clients, customers and visitors. Homicide is currently the fourth-leading cause of fatal occupational injuries in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), of the 4,547 fatal workplace injuries that occurred in the United States in 2010, 506 were workplace homicides. Homicide is the leading cause of death for women in the workplace. However it manifests itself, workplace violence is a major concern for employers and employees nationwide



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Workplace Violence

### Who is at risk of workplace violence?

Nearly 2 million American workers report having been victims of workplace violence each year. Unfortunately, many more cases go unreported. The truth is, workplace violence can strike anywhere, anytime, and no one is immune. Research has identified factors that may increase the risk of violence for some workers at certain worksites. Such factors include exchanging money with the public and working with volatile, unstable people. Working alone or in isolated areas may also contribute to the potential for violence. Providing services and care, and working where alcohol is served may also impact the likelihood of violence. Additionally, time of day and location of work, such as working late at night or in areas with high crime rates, are also risk factors that should be considered when addressing issues of workplace violence. Among those with higher risk are workers who exchange money with the public, delivery drivers, healthcare professionals, public service workers, customer service agents, law enforcement personnel, and those who work alone or in small groups.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

# Workplace Violence

## How can workplace violence hazards be reduced?

In most workplaces where risk factors can be identified, the risk of assault can be prevented or minimized if employers take appropriate precautions. One of the best protections employers can offer their workers is to establish a zero-tolerance policy toward workplace violence. This policy should cover all workers, patients, clients, visitors, contractors, and anyone else who may come in contact with company personnel.

By assessing their worksites, employers can identify methods for reducing the likelihood of incidents occurring. OSHA believes that a well written and implemented Workplace Violence Prevention Program, combined with engineering controls, administrative controls and training can reduce the incidence of workplace violence in both the private sector and Federal workplaces.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

# Workplace Violence

This can be a separate workplace violence prevention program or can be incorporated into an injury and illness prevention program, employee handbook, or manual of standard operating procedures. It is critical to ensure that all workers know the policy and understand that all claims of workplace violence will be investigated and remedied promptly. In addition, OSHA encourages employers to develop additional methods as necessary to protect employees in high risk industries.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

# What Can You Do?

- Provide safety education for employees so they know what conduct is not acceptable, what to do if they witness or are subjected to workplace violence, and how to protect themselves.
- Secure the workplace. Where appropriate to the business, install video surveillance, extra lighting, and alarm systems and minimize access by outsiders through identification badges, electronic keys, and guards.
- Provide drop safes to limit the amount of cash on hand. Keep a minimal amount of cash in registers during evenings and late night hours.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## What Can Employers Do?

- Equip field staff with cellular phones and hand-held alarms or noise devices, and require them to prepare a daily work plan and keep a contact person informed of their location throughout the day. Keep employer provided vehicles properly maintained.
- Instruct employees not to enter any location where they feel unsafe. Introduce a "buddy system" or provide an escort service or police assistance in potentially dangerous situations or at night.
- Develop policies and procedures covering visits by home health-care providers. Address the conduct of home visits, the presence of others in the home during visits, and the worker's right to refuse to provide services in a clearly hazardous situation.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## What Can Employees Do?

- Learn how to recognize, avoid, or diffuse potentially violent situations by attending personal safety training programs.
- Alert supervisors to any concerns about safety or security and report all incidents immediately in writing.
- Avoid traveling alone into unfamiliar locations or situations whenever possible.
- Carry only minimal money and required identification into community settings.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## What If Something Happens?

- Encourage employees to report and log all incidents and threats of workplace violence.
- Provide prompt medical evaluation and treatment after the incident.
- Report violent incidents to the local police promptly.
- Inform victims of their legal right to prosecute perpetrators.
- Discuss the circumstances of the incident with staff members.
- Encourage employees to share information about ways to avoid similar situations in the future.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## What If Something Happens?

- Offer stress debriefing sessions and posttraumatic counseling services to help workers recover from a violent incident.
- Investigate all violent incidents and threats, monitor trends in violent incidents by type or circumstance, and institute corrective actions.
- Discuss changes in the program during regular employee meetings.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

## Workplace Injuries

- Safety Management
- Understanding Workplace Injuries
- Preventing Work place injuries



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

## Safety Management

- **What is safety?**

American Heritage: The condition of being safe; freedom from danger, risk or injury.

National Safety Council: The control and elimination of recognized hazards to attain an acceptable level of risk.

- **What is management?**

American Heritage: The act, manner, or practice of managing; handling, supervision, or control: management of a crisis; management of factory workers.

National Safety Council: To handle or supervise the control and elimination of recognized hazards to attain an acceptable level of risk.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

# Safety Management

- **What is a hazard?**

American Heritage: A possible source of danger: a fire hazard.

National Safety Council: Any existing or potential workplace condition that, by itself or interacting with other variables, can result in death, injury, property damage, or other loss.

- **What is risk?**

American Heritage: The possibility of suffering harm or loss; danger.

National Safety Council: A measure of the probability and severity of adverse effects



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

# Core Elements of Safety Management

- Senior management commitment, support & leadership
- Employee involvement
- Responsibility, authority & accountability
- Maintaining safe workplace conditions & actions (behaviors)
- Safety education, training and orientation
- Accident investigations, analysis & recordkeeping
- Absence management
- Let's briefly explore each of these.....



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

# Senior Management

- Senior management sets the table for the organization:

- Organizational values
- Organizational culture – including safety culture
- Organizational goals and objectives for:
  - Production, quality, service & safety

- **What are values?**

American Heritage: A principal, standard, or quality considered worthwhile or desirable.

- **What is culture?**

American Heritage: The predominating attitudes and behavior that characterize the functioning of a group or organization.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Senior Management

- All employees must know and share the organizational values in order for an organizational culture to develop and grow.
- When a culture is developed, all employees begin to make day to day decisions that support the values of the organization.
- The established goals and objectives must support the organizational values or a culture will not develop.
- In order for a culture to develop and be sustained, senior management must be committed to provide visible support and leadership for the values, goals and objectives of the organization.
- *If you don't know where you are going, any road will get you there.* - Mark Twain



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Employee Involvement

- Employee involvement is ownership (buy-in) of their processes and empowerment (using granted authority, legitimate and implied authority)
- When a culture is developed, all employees begin to make day to day decisions that support the values of the organization.
- Safety functions and activities must be integrated with production, quality and service activities.
- Involved employees are likely to be more motivated to work and to work safely.
- Positive input = positive output



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Maintaining Safe Working Conditions

- Safe working conditions and behaviors are maintaining through management action!
- Finding unsafe conditions and behaviors is critical to preventing accidents. We must be productive and predictive!
- By doing so, you re-enforce your commitment to safety.
- Assess the risk of the hazards and prioritize them. "Risk Assessment"
- Create a proactive method to track and follow up on findings.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Accident Investigation & Recordkeeping

- Accidents will happen.
- Accidents are the symptoms of something gone wrong!
- The ultimate goal of accident investigations is to prevent recurrences of the same types of accidents.
- Employees must reports all accidents and management must perform and effective investigation.
- By keeping accurate injury and illness records, you can analyze them to know where to focus your efforts.
- An effective investigation will identify potential solutions.
- Focus needs to be on "root causes and system weaknesses"
- Use a risk assessment technique to identify and prioritize solutions.
- Follow up and track solutions to assure corrective action is completed.



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Absence Management

- The length of time an employee is off work, as well as the ultimate severity of the injury or illness, can be greatly reduced by a good management plan.
- The keys to an effective injury and illness management plan are:
  - Timely evaluation and appropriate treatment by a qualified doctor
  - Return to work as soon as possible/practical
  - Communication with all parties



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Absence Management

- A formal absence management program should contain:
  - Job descriptions for all regular jobs and for all transitional jobs
  - Sharing transitional job descriptions with occupational medical provider
  - Invite occupational medical provider to your facility to observe your work environment and job demands
  - Communicate with all employees while they are on transitional work and definitely if they are not working



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

---

---

---

---

---

---

---

---

---

---

## Success and Failure

- Examples of successes and failures
- Group discussion of successes and failures

---

---

---

---

---

---

---

---



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

## Commitment To Improve

- A commitment to improve is the first step to improvement!
- Group discussion of individual improvements and ideas to gain commitment for success

---

---

---

---

---

---

---

---



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

Questions?

Thank you!

Gene R. La Suer  
Davis Brown Law Firm

---

---

---

---

---

---

---

---



©2013 DAVIS BROWN KOEHN SHORS & ROBERTS P.C.