

*Employee Perceptions
of*
FEDERAL WORKPLACE VIOLENCE



A Report to the President and the Congress of the United States
by the U.S. Merit Systems Protection Board

SEPTEMBER 2012

THE CHAIRMAN



U.S. MERIT SYSTEMS PROTECTION BOARD

1615 M Street, NW
Washington, DC 20419-0001

The President
President of the Senate
Speaker of the House of Representatives

Dear Sirs:

In accordance with the requirements of 5 U.S.C. § 1204(a)(3), it is my honor to submit this report, *Employee Perceptions of Federal Workplace Violence*. Workplace violence can result in a number of direct costs to organizations and can affect employee productivity and morale, which violates the merit system principle of the efficient and effective use of the Federal workforce. A second merit system principle, that Federal employees maintain high standards of integrity and conduct, is violated when Federal employees exhibit violent behavior in the workplace.

The results of our survey of Federal employees indicate that when an incident of physical assault, threat of assault, harassment, intimidation, or bullying occurs in a Federal workplace, it is most likely caused by current or former Federal employees rather than customers, criminals, or those who have a personal relationship with an employee. One-quarter of the violent incidents that Federal employees observed over a two-year period resulted in either physical injury or damage to or loss of property. Our findings indicate that a majority of survey respondents believe their agencies take sufficient steps to ensure their safety while at work. However, fewer respondents who observed violent acts by current or former Federal employees or by employees' abusive intimate partners agreed that their agencies take sufficient steps to ensure their safety than did employees who observed violent acts by other individuals.

Effective agency anti-violence programs may help reduce the number of incidents that occur and may mitigate the damage caused when an incident does occur. We recommend that agencies ensure their workplace violence prevention programs address violence caused by all perpetrators, specifically Federal employees. Such programs should allow for mitigation strategies to be developed at an appropriate organization level to take into account varying geographic locations, organizational missions, and occupational mixes. In addition, Federal managers should foster organizational cultures that do not tolerate violent behaviors and that take reports of such behaviors seriously. Also, improved data collection could help Federal agencies better allocate their limited resources against the sources of workplace violence.

Respectfully,

Susan Tsui Grundmann

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EXECUTIVE SUMMARY

Violence can occur in any workplace. When physical attacks, threats of attack, harassment, intimidation, or bullying occur in the workplace, organizations incur a number of direct and indirect costs. These costs include medical expenses, property restoration, psychological care for victims, and increased security, as well as higher employee turnover, reduced productivity, and lower employee commitment to their work or their organization. Some estimates have placed the costs of workplace violence to U.S. employers at billions of dollars every year.

According to a 2010 Merit Systems Protection Board (MSPB or Board) survey, 13 percent of Federal employees observed an incident of workplace violence over the preceding two years. The vast majority of these incidents were perpetrated by current or former Federal employees, rather than someone external to the organization. Although most Federal employees believe their agencies take sufficient steps to keep them safe at work, there is room for improvement. This is especially the case according to those who have witnessed their current or former colleagues commit acts of violence. These findings illustrate the need for agencies to ensure workplace violence programs address issues related to internal threats in addition to physical security efforts that mitigate threats from external sources.

Background

The perpetrators of workplace violence are generally categorized into four different types based on their relationship to the workplace. Perpetrators are either internal to an organization (employees and former employees) or external to an organization (individuals whose only link to the organization is to do violence; customers, clients, patients, or others to whom the organization provides a service; or individuals whose connection to the organization stems from a personal relationship with one of its members—for example, an employee's abusive intimate partner). Workplace violence prevention strategies are based on the different types of workplace violence perpetrators.

In 2005, a Bureau of Labor Statistics (BLS), U.S. Department of Labor, survey asked private, local government, and State government entities about the incidence of physical assaults, threats of assault, harassment, intimidation, and bullying that they experience. The results of the BLS survey indicate that fewer than 5 percent of private industry establishments reported experiencing some type of workplace violence in the previous

12 months. However, 32 percent of State government establishments and 15 percent of local government establishments reported experiencing violent incidents. Since Federal organizations share many characteristics with State and local government organizations, MSPB conducted this study to determine the prevalence of violence in the Federal workplace and to recommend ways that Federal agencies can prevent such violence.

The findings in this report are based primarily on an analysis of the results of MSPB's 2010 Merit Principles Survey (MPS), which surveyed 71,910 full-time, permanent, non-Postal Federal employees to solicit their perceptions of their jobs, work environments, supervisors, and agencies. The MPS 2010 had a response rate of 58 percent, resulting in 42,020 surveys being returned and deemed valid.

Findings

- *Incidence of workplace violence.* In response to the MPS 2010, 13 percent of Federal employees said they had observed an incident of workplace violence in the past two years.

Research in other economic sectors has shown that employees in police/security and medical/hospital occupations experience higher rates of workplace violence than others. Results of the MPS 2010 echo these findings, as 26 percent of Federal employees in medical/hospital occupations and 21 percent in police/security occupations said they had observed an incident of workplace violence in the past two years.

- *Type of workplace violence observed.* The type of workplace violence that Federal employees observed most was, by far, violence perpetrated by current or former employees—MPS 2010 survey respondents observed this type of workplace violence more often than violence perpetrated by all other individuals combined.

Individuals who do not have a connection to the workplace other than to commit a criminal act and individuals with a personal relationship with an employee accounted for only 11 percent of the workplace violence observations. Together, these findings indicate that the vast majority of the violent acts that were observed were actually perpetrated by individuals who, for the most part, had a legitimate reason for being in the workplace—namely, current and former employees and customers.

Although employees in most Federal occupational groupings identified employee violence as the most prevalent type of workplace violence they observed, violence perpetrated by customers was the most common type of workplace violence observed among employees in three occupational groupings—police/security, medical/hospital, and social science/psychology. This finding supports research in other economic sectors which shows that the nature of these occupations places them at greater risk of experiencing customer-based workplace violence.

- *Do Federal employees believe their agencies keep them safe?* According to the MPS 2010, 73 percent of employees agreed that their agencies take sufficient steps to ensure their safety from violence occurring at their workplace.

About half of the employees who observed workplace violence perpetrated by criminals or customers agreed that their agencies take sufficient steps to ensure their safety. In comparison, about one-third of employees who observed workplace violence perpetrated by current or former employees and individuals with a personal relationship with an employee agreed that their agencies take sufficient steps to ensure their safety. This disparity may indicate that agencies should give more attention to workplace violence perpetrated by these latter two groups of individuals.

- *Incidence of physical injury or property damage.* Of the violent incidents observed by respondents to the MPS 2010, 15 percent resulted in physical injury, 10 percent resulted in property loss or damage, and 75 percent resulted in neither of these outcomes.

Workplace violence perpetrated by criminals most often resulted in either physical injury or property loss or damage (60 percent of these observations involved one of these consequences). Conversely, workplace violence perpetrated by current or former employees resulted in either physical injury or property loss or damage least often (16 percent of these observations involved one of these consequences).

Only the workplace violence perpetrated by criminals resulted in a higher proportion of property loss or damage than physical injury. Workplace violence perpetrated by the other three types of individuals resulted in a higher proportion of physical injury than property loss or damage. It would appear that while criminals more often target Federal property, other individuals who perpetrate workplace violence more often target Federal employees.

Even though only a small percentage of workplace violence perpetrated by current or former employees resulted in either physical injury or property damage or loss, these occurrences account for a large percentage (about one-third) of the total observations that resulted in either of these outcomes. This is because workplace violence committed by current or former employees was the most observed type of workplace violence.

- *Workplace violence prevention strategies.* Although no organization can prevent all incidents of physical assault, threats of assault, harassment, intimidation, or bullying from occurring in the workplace, there are steps that Federal agencies can take that may help to minimize the number of incidents that do occur. These steps generally fall into two categories—strategies directed at mitigating threats from external sources (criminals, customers, and individuals who have a personal relationship with an employee) and strategies directed at mitigating threats from internal sources (current and former employees).

Strategies to prevent workplace violence perpetrated by individuals external to the organization should include efforts to physically secure the workplace and to screen individuals who are allowed to enter the workplace.

Strategies to prevent workplace violence perpetrated by individuals internal to the organization should include:

- o Fostering healthy organizational cultures that do not tolerate aggressive or violent behaviors;
- o Completing appropriate pre-employment background checks;
- o Training employees on workplace violence issues;
- o Resolving serious workplace conflicts before they escalate into violence; and
- o Administering human resources programs properly so as not to introduce undue stress into the workplace.

Recommendations

Although this report presents data and information regarding all perpetrators of workplace violence, our recommendations are focused on preventing workplace violence perpetrated by Federal employees in order to align with MSPB's mission to promote the Federal merit system principles that govern the management of those employees.

Federal agencies should:

- Ensure that formal workplace violence prevention programs are in place that outline organizational responsibilities to prevent workplace violence and respond to it when it does occur. Federal agencies should also ensure that disparate agency organizations are able to work together effectively during a workplace violence emergency.
- Collect data regarding the prevalence and characteristics of workplace violence within their agencies. Such data can help organizational leaders make informed decisions regarding the appropriate steps to take to mitigate violence in their organizations.
- Determine necessary workplace violence prevention and response efforts by considering collected data, geographic location, mission, occupational mix, and customer base. Agency workplace violence programs should allow for specific local organizational needs to drive workplace violence prevention and response efforts.
- Bring together managers, supervisors, and human resources officials, as appropriate, to ensure workplace violence prevention programs adequately address internal

threats by:

- o Fostering organizational cultures that treat employees with dignity and respect. Such cultures should encourage employees to report any violent behavior and these reports should be taken seriously and promptly acted upon by organizational leaders.
- o Taking care to conduct the appropriate screening of applicants for employment to determine if these individuals have a history of violent behavior in the workplace.
- o Providing workplace violence prevention training to all employees. Supervisors should also receive training in conflict resolution, accessing internal and external resources to deal with workplace violence, and the consistent and effective application of employee discipline.
- o Responding in a timely and consistent manner to reports of workplace conflicts to resolve them before they escalate into violent incidents.
- o Monitoring human resources programs to ensure that they are operating as intended and are not unduly adding to the level of stress in the workplace. For example, performance evaluation and appraisal systems administered unfairly or by untrained supervisors can increase the stress levels in organizations. This may lead to volatile situations, especially in workplaces that are already stressful.

Federal employees should:

- Become knowledgeable about their organization's workplace violence policies, know how to report a violent incident, and report any threatening or violent behavior in the workplace to the appropriate officials.

INTRODUCTION

This chapter provides an overview of why MSPB conducted this study, the purpose of the study, and how the study was conducted.

Why was this Study Conducted?

Merit system principles. MSPB completed this study in accordance with its mission to promote Federal merit system principles. One of these merit system principles is that the Federal workforce be used efficiently and effectively.¹ By identifying the level and type of violence that occurs in the Federal workplace and focusing attention on ways to prevent or mitigate this violence, we hope this report enhances the efficient and effective use of the Federal workforce.

A second merit system principle directs all Federal employees to maintain high standards of integrity and conduct.² Unfortunately, as shown in this report, the perpetrators of violence in the Federal workplace are frequently Federal employees. By focusing specifically on the prevention of workplace violence perpetrated by Federal employees, this report brings attention to and, we also hope, will result in the reduction of this unacceptable conduct. A number of our recommendations touch on the appropriate training of Federal supervisors and employees, including how to prevent and respond to workplace violence as well as how to create work environments where violent behaviors are not accepted. These recommendations echo yet another merit system principle that calls for effective education and training where such efforts would result in better organizational and individual performance.³

Stakeholder interest. Workplace violence is an issue of concern to many MSPB stakeholders. The topics for MSPB research are selected through a research agenda setting process that is undertaken every three to four years. The process to develop the 2011-2013 research agenda included soliciting input from a wide variety of MSPB stakeholders to determine the issues they believed MSPB should study. These issues were reviewed to determine, among other things, if they were a good fit with MSPB's mission, whether resources existed to study the issue well, and whether a report on the issue would have a

¹ 5 U.S.C. § 2301(b)(5).

² 5 U.S.C. § 2301(b)(4).

³ 5 U.S.C. § 2301(b)(7).

significant effect on Federal workforce management. Based on this stakeholder input and these internal criteria, workplace violence was included in MSPB's draft research agenda.

Pursuant to the Government in the Sunshine Act (5 U.S.C. § 552(b)), and in accordance with MSPB's regulations at 5 C.F.R. §§ 1206.1-12, a public meeting was held to formally present the draft research agenda to the Board. The open nature of this meeting permitted discussion between the three Board Members about the proposed research topics. Key stakeholders who had provided input during formulation of the draft research agenda were also invited to attend and present their comments to the Board. Representatives from the following groups presented their comments to the Board at the public meeting:

- National Federation of Federal Employees;
- National Treasury Employees Union;
- American Federation of Government Employees;
- Senior Executives Association;
- Partnership for Public Service;
- Government Accountability Project; and
- National Academy of Public Administration.

Once again, workplace violence was identified at the public meeting as an important issue that MSPB should study. After a further public comment period, the 2011-2013 research agenda was finalized and formally approved by the Board.⁴

Rate of physical violence in the Federal workplace. Attention to the issue of workplace violence is further warranted because the rate of overt physical violence that occurs in the Federal workplace is similar to that which occurs in American workplaces as a whole.⁵ Within the Federal workforce are occupations that are at a higher risk of workplace violence, such as police and health care. Further, at the very core of the civil service are jobs that help the public and deliver benefits—positions that are among the most likely to experience workplace violence.⁶ For example, customers might lash out at Federal employees when they believe the services they seek are delivered too slowly, when their benefits are cut, or when they do not receive the benefits or services to which they believe they are entitled. Also, it may be the case that “[a]ngry citizens find government a large, enticing target for their frustrations. Crime seeps from city streets onto federal property and into federal

⁴ The 2011-2013 MSPB research agenda is available at <http://www.mspb.gov/studies>.

⁵ According to the Bureau of Justice Statistics, U.S. Department of Justice—see the section “How Often Does Workplace Violence Occur” in the next chapter.

⁶ Anne Laurent, “Short Fuse,” *Government Executive*, December 1, 1996. Retrieved from <http://www.govexec.com/magazine/1996/12/short-fuse/482/>.

buildings. Staff cuts and efforts to reinvent and reengineer operations without adding resources erode morale and eat away at employees' confidence.”⁷

What is the Purpose of this Study?

Although we present data and commentary on each type of violence that affects the Federal workplace, the major focus of this report is on violence committed by current or former employees. This is in no way intended to diminish the seriousness of the other types of violence that occur in the Federal workplace. However, given MSPB's mission of promoting the merit systems principles, the major focus of this study was centered on workplace violence perpetrated by current or former employees.

Therefore, MSPB undertook this study to:

1. Measure the level and type of violence in the Federal workplace;
2. Measure Federal employee attitudes toward the steps their agencies have taken to keep them safe from workplace violence;
3. Increase the level of management attention to the issue of Federal workplace violence in general and workplace violence perpetrated by Federal employees specifically;
4. Expose our audience to the general steps that organizations may take to minimize the possibility of workplace violence occurring; and
5. Recommend ways agencies can prevent violence specifically in the Federal workplace.

How was this Study Conducted?

2010 Merit Principles Survey. MSPB's Office of Policy and Evaluation periodically surveys Federal employees to measure the health of the merit systems. One such survey, the 2010 Merit Principles Survey (MPS 2010), was administered to 71,970 full-time, permanent Federal employees in 24 departments and independent agencies⁸ from July to September 2010. Those departments and agencies accounted for approximately 98 percent of the permanent, full-time Federal workforce as of September 2009. There was a 58 percent response rate to the MPS 2010, with 42,020 surveys returned and deemed valid. Thus, the survey results provide a reasonable representation of Governmentwide Federal

⁷ Id.

⁸ MSPB surveys non-postal civilian employees, some of whom may work on military installations.

employee opinion. The MPS 2010 sampling plan required oversampling (surveying a higher proportion of the population) of some groups to provide statistically reliable results. Accordingly, MSPB calculated response weights to produce results that are representative of Governmentwide employee opinions.⁹

Three questions asking Federal employees about their experiences with workplace violence were included in the MPS 2010. These three questions are shown in Figure 1.

Figure 1. Workplace violence questions on the Merit Principles Survey 2010.

Workplace violence is defined as violent acts directed towards a person at work or on duty (e.g. physical assaults, threats of assault, harassment, intimidation, or bullying).

1. My agency takes sufficient steps to ensure my safety from violence occurring at my workplace.

☐ Strongly agree
☐ Agree
☐ Neither agree nor disagree
☐ Disagree
☐ Strongly disagree
☐ Don't know/NA

2. During the past two years, have you observed any incident of workplace violence?

☐ Yes (identify on the next page the type and consequence of the event and mark whether it resulted in physical injury or damage to/loss of property).
☐ No (skip to the next section).

3. Please identify the type and consequence of the event and mark whether it resulted in physical injury or damage to/loss of property.

☐ Don't Know
☐ Resulted in damage to/loss of property
☐ Resulted in physical injury

☐ This occurred

☐ **a.** A violent act by a criminal who had no other connection with the workplace, but enters to commit robbery or another crime. ☐ ☐ ☐

☐ **b.** A violent act directed at employees by customers, clients, patients, students, inmates, or any others for whom your organization provides services. ☐ ☐ ☐

☐ **c.** A violent act against coworkers, supervisors, or managers by a present or former employee. ☐ ☐ ☐

☐ **d.** A violent act committed in the workplace by someone who doesn't work there, but has a personal relationship with an employee (e.g., an abusive spouse or domestic partner). ☐ ☐ ☐

⁹ For more information about the Merit Principles Survey 2010 see the forthcoming U.S. Merit Systems Protection Board report, *Federal Employee Engagement: The Motivating Potential of Job Characteristics and Rewards*.

To help keep the MPS 2010 as brief as possible we did not provide definitions of each specific type of behavior that the MPS 2010 cited as an example of workplace violence. Although some of these behaviors have accepted legal definitions, others do not. We believe asking survey respondents to read through such definitions would have increased the burden on them with little corresponding benefit. As with many survey questions, the MPS 2010 workplace violence items rely on the perceptions of our survey respondents. It could be the case that if a survey respondent perceived that he or she was the target of one of these behaviors, they would report so on the survey regardless of any definition of the behavior offered. Therefore, the reader is cautioned to not interpret a survey respondent's report of receiving a threat (for example) as being validated by any outside source. However, throughout this report we refer to a number of cases regarding workplace violence that have come before the Board to both illustrate points made in the report and to show the seriousness with which the Board has treated this issue. These cases, of course, rely on precise legal definitions of the behaviors under review.

The reader is further cautioned that because the MPS 2010 asked whether or not each respondent had observed an incident of workplace violence, it is possible that more than one employee reported seeing the same incident. Our data is not based on accounts of how many distinct incidents of workplace violence happened within an organization over a given time period. In addition, as noted later in this report, workplace violence can affect more employees beyond the specific target of the violence. Our intention in asking about employee observations of violence rather than if they were the specific target of the violence was to better approximate the true impact that workplace violence has on the Federal workplace.

Previous Merit Principles Surveys. Data from two previous administrations of the MPS were also used in this report. Employee attitudes regarding conflict in the Federal workplace were gleaned from the MPS 2005, and the extent to which supervisors indicated that they had received training in conflict management was gathered from the MPS 2007. The MPS 2005 was administered to full-time, permanent, nonseasonal Federal employees during the summer and fall of 2005. Twenty-four Federal agencies participated in that survey, and a total of 36,926 employees completed the survey, for a response rate of just over 50 percent.¹⁰ The MPS 2007 was administered to full-time, permanent, nonseasonal Federal employees in the fall of 2007. Thirty Federal agencies participated in the MPS 2007, and a total of 41,577 employees completed the survey, for a response rate of 60 percent.¹¹

Other data sources. Data regarding MPS 2010 survey respondents' occupational group from the U.S. Office of Personnel Management's Central Personnel Data File were also used in this report.

¹⁰ For more information about the MPS 2005 see, U.S. Merit Systems Protection Board, *Accomplishing Our Mission: Results of the Merit Principles Survey 2005*, Washington, D.C., 2007.

¹¹ For more information about the MPS 2007 see, U.S. Merit Systems Protection Board, *Managing for Engagement—Communication, Connection, and Courage*, Washington, D.C., 2009.

A review of the current professional literature regarding violence in the workplace contributed heavily to this report. We also sought input from various officials knowledgeable about Federal workplace violence and programs to prevent workplace violence, including officials at the U.S. Office of Personnel Management and the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services.

All data that is presented in this report has been rounded to the nearest percentage. This may cause some within-item data to appear not to total 100 percent.

The following four chapters present:

- Background information on workplace violence;
- The results of the MPS 2010 regarding employee perceptions of the prevalence of violence in the Federal workplace;
- The results of the MPS 2010 regarding employee perceptions of the extent to which their agencies keep them safe while at work; and
- The consequences of violence to the Federal workplace.

The two concluding chapters of this report provide:

- An overview of programs that may help prevent workplace violence; and
- Recommendations for overcoming the challenges in preventing Federal workplace violence.

This chapter provides background information including what workplace violence is, how often it occurs, who commits it, and what effect it has on its victims and on the workplace. In addition, pertinent policies that apply to violence in the Federal workplace are discussed.

What is Workplace Violence?

Incidents of sexual assault, robbery, and aggravated and simple assault that occur while the victim is at work or on duty are appropriately classified as “workplace violence.” However, it is important to recognize that workplace violence includes more than these physical attacks. Physical attacks and homicide are part of “a continuum that also includes domestic violence, stalking, threats, harassment, bullying, emotional abuse, intimidation, and all other forms of conduct that create anxiety, fear, and a climate of distrust in the workplace. All are part of the workplace violence problem.”¹²

MSPB Case Law: What Constitutes a Threat?

Whether an employee’s actions or words actually constitute a threat is an issue that is frequently raised. In *Metz v. Department of the Treasury*, 780 F.2d 1001, 1004 (Fed. Cir. 1986), the Federal Circuit held that in deciding whether statements constitute threats, the Board is to apply the reasonable person criterion, considering the listeners’ reactions and apprehensions, the wording of the statements, the speaker’s intent, and the attendant circumstances.¹³

It is important to remember that, as with all charges, an agency must prove all of the elements of its charge, but that it may choose from any number of possible charges for the same act of misconduct.¹⁴ Thus, for instance, instead of charging an employee with making a threat, and thereby requiring proof of all of the *Metz* elements, an agency may wish to charge an employee with disrupting the workplace, inappropriate conduct, or conduct unbecoming a federal employee. Such charges do not include the *Metz* elements.

¹² Federal Bureau of Investigation, *Workplace Violence—Issues in Response*, March 2004, p. 13.

¹³ The Board has applied *Metz* numerous times over the years, including, for example, *Rose v. U.S. Postal Service*, 109 M.S.P.R. 31, ¶¶ 8-29 (2007); *Gilmore v. Department of the Army*, 87 M.S.P.R. 579, ¶¶ 24-33 (2001); and *Castner v. U.S. Postal Service*, 77 M.S.P.R. 393, 395-99 (1998).

¹⁴ See *Burroughs v. Department of the Army*, 918 F.2d 170, 172 (Fed. Cir. 1990) (absent proof of every element of a charge, the entire charge fails); *Roseberry v. Department of Veterans Affairs*, 51 M.S.P.R. 172, 175-76 (1991) (not sustaining the charge of “insolent, insubordinate and threatening behavior” when the agency failed to prove every element of the *Metz* standard).

Given this wide range of behaviors, workplace violence may be best considered an umbrella term for a broad range of conduct. This umbrella captures incidents of overt violence that may prove to be fatal or non-fatal. Threats of violence that may be direct, indirect, or conditional, or any other conduct that generates a reasonable concern for an employee's safety while on the job, also fit under this umbrella. Such incidents may occur at the formal workplace or off-site while the employee is on duty.¹⁵

How Often Does Workplace Violence Occur?

A report from the Bureau of Justice Statistics (BJS), U.S. Department of Justice, indicates that from 1993 to 1999, the incidence of physical workplace violence experienced by Federal employees was about equal to that experienced by all individuals regardless of employer. This BJS report estimated that during this time frame there was an average of 1.7 million violent victimizations per year in the United States against persons who were at work. The victimizations tallied by BJS included rape/sexual assault, robbery, and aggravated and simple assault against employed persons that occurred while they were at work or on duty.¹⁶

In recent years, the incidence of physical workplace violence has decreased along with the incidence of violent crime overall. A 2011 BJS report noted a steady decline in the rate of nonfatal workplace violence that occurred between 1993 and 2009.¹⁷ Specifically, this report indicates that 16 nonfatal violent crimes per 1,000 employed persons occurred in 1993 while such persons were at work or on duty; by 2002 this rate had fallen to 6 nonfatal violent crimes per 1,000 employed persons; and by 2009 the rate had dropped to 4 nonfatal violent crimes per 1,000 employed persons while they were at work or on duty.

Similarly, the Bureau of Labor Statistics (BLS), U.S. Department of Labor, also reported that the incidence of fatal workplace violence has decreased in recent years. In 1992 there were 1,044 homicides of people who were at work, which decreased to 609 ten years later.¹⁸ By 2010, BLS data show that the incidence of homicides at work decreased to 518.¹⁹ Despite this trend, workplace homicides are the third leading cause of fatal injuries at work (behind highway incidents and falls), and workplace homicides of women actually increased by 14 percent between 2009 and 2010.²⁰

¹⁵ Diane Ritchey, "Workplace Violence: It's Security's Business," *Security*, August 2010, p. 22.

¹⁶ Bureau of Justice Statistics, *Violence in the Workplace, 1993-99*, December 2001, pp. 1, 5.

¹⁷ Bureau of Justice Statistics, *Workplace Violence, 1993-2009*, March 2011, p. 1.

¹⁸ *1992-2002 Census of Fatal Occupational Injuries (revised data)*, Bureau of Labor Statistics, retrieved from: <http://www.bls.gov/iif/oshcfoi1.htm>.

¹⁹ *2010 Census of Fatal Occupational Injuries (revised data)*, Bureau of Labor Statistics, retrieved from: <http://www.bls.gov/iif/oshcfoi1.htm>.

²⁰ *Census of Fatal Occupational Injuries Charts, 1992-2010 (revised data)*, Bureau of Labor Statistics, retrieved from: <http://www.bls.gov/iif/oshcfoi1.htm>.

Although this decline in physical workplace violence is good news, leaders of Federal organizations should not become complacent in their efforts to prevent and plan for an appropriate response to incidents of workplace violence. As will be seen later in this report, the vast majority of violence observed by Federal employees did not result in physical injury—it involved threats of assault, harassment, intimidation, and bullying. The BJS and BLS data cited above do not speak to the incidence of such non-physical violence, which is the most prevalent form of violence in the Federal workplace. In any event, any incident of workplace violence can have a chilling effect on organizational operations, especially because such incidents typically affect more than just the specific victim of the violence.

In 2005, BLS conducted a survey of private industry and State and local government establishments in conjunction with the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention. In this survey, BLS not only asked about physical assaults, but also threats of assault, harassment, intimidation, or bullying. At that time, BLS found that half of the largest establishments (employing 1,000 or more workers) had at least one violent incident in the previous 12 months. Whereas about 5 percent of all private industry establishments reported a violent incident, 32 percent of State government establishments and 15 percent of local government establishments reported a violent incident. BLS noted that the higher reported incidence of violence in these government workplaces could be attributed to their work environments. Specifically, “[t]hese workplaces reported much higher percentages of working directly with the public, having a mobile workplace, working with unstable or violent persons, working in high crime areas, guarding valuable goods or property, and working in community based settings than did private industry.”²¹

Who Commits Workplace Violence?

Prior to the mid-1980’s, the few workplace violence research and prevention efforts that existed focused on specific issues—for example, the high risk of violence facing taxicab drivers or patient assaults on healthcare workers. However, after a number of high-profile incidents, workplace violence became recognized as a “specific category of violent crime that calls for distinct responses from employers, law enforcement, and the community.”²² Researchers generally identify four different types of workplace violence based on the relationship the perpetrator of the violence has to the workplace:

Type 1. Violent acts by individuals who have no legitimate business connection to the workplace but enter the workplace to commit a robbery or other criminal act.

²¹ Bureau of Labor Statistics, *Survey of Workplace Violence Prevention, 2005*, October 2006.

²² Federal Bureau of Investigation, op. cit., p. 12.

Type 2. Violent acts by current or former clients, customers, patients, students, inmates, or other individuals to whom an organization provides services.

Type 3. Violent acts by individuals who have some employment-related involvement with the workplace—namely, present or former employees.²³

Type 4. Violent acts by individuals who are not employed by the organization but who have a personal relationship with an employee—for example, an employee’s abusive intimate partner.²⁴

Separating workplace violence events into these four types (based on the perpetrator of the violence) facilitates discussion. It also helps in the design of different strategies to prevent workplace violence because different types of violence require different mitigation approaches, and because different workplaces may be at a higher risk for some types of violence than others.²⁵

According to BJS, from 2005 to 2009, strangers committed about 53 percent of the workplace rape/sexual assault, robbery, and aggravated and simple assault against male employees and 41 percent of such violence against female employees in the United States (see Table 1). Strangers who commit violence in the workplace are typically criminals whose motive is usually theft, but in many cases the criminal carries a weapon, increasing the likelihood that employees will be injured or killed. Certain occupations are more vulnerable to this type of workplace violence—for example, taxicab drivers, individuals who are on duty at night (late-night retail clerks), individuals who work in dangerous or isolated areas, and employees who carry or have access to cash.²⁶

²³ Cal/OSHA *Guidelines for Workplace Security*, California Occupational Safety and Health Administration, Sacramento, CA, 1995; and Federal Bureau of Investigation, op. cit., p. 13.

²⁴ Corinne Peek-Asa and John Howard, “Workplace-Violence Investigations by the California Division of Occupational Safety and Health, 1993-1996,” *Journal of Occupational and Environmental Medicine*, August 1999, p. 648.

²⁵ The University of Iowa Injury Prevention Research Center, *Workplace Violence—A Report to the Nation*, February 2001, p. 4.

²⁶ Federal Bureau of Investigation, op. cit., p. 13.

Table 1. Victim/offender relationships for victims of workplace violence, by sex, 2005-2009.²⁷

Victim/offender relationship	Percent of workplace violence	
	Male	Female
Intimate partner	0.8*	1.7*
Other relatives	0.6*	0.7*
Well-known/casual acquaintances	11.7	18.9
Work relationships	25.5	31.7
Customer/client	3.9	6.5
Patient	1.5*	6.0
Current or former—		
Supervisor	1.2*	3.3
Employee	2.6	1.7*
Co-worker	16.3	14.3
Do not know relationship	8.5	6.1
Stranger	52.9	40.9

Details do not sum to total due to rounding

*Based on 10 or fewer sample cases

As shown in Table 1, physical violence in the workplace committed by customers, clients, or patients accounted for about 5 percent of the workplace violence against male employees but about 13 percent against female employees. As with criminal violence, some occupations are inherently at a greater risk for experiencing client-based workplace violence. Police officers, correctional officers, security guards, and mental health workers deal with dangerous people as a part of their normal duties. However, the employees who experience the largest incidence of client-based workplace violence are employees in the healthcare industry—“nurses in particular, as well as doctors, nurses and aides who deal with psychiatric patients; members of emergency medical response teams; and hospital employees working in admissions, emergency rooms, and crisis or acute care units.”²⁸

According to BJS, physical workplace violence perpetrated by current or former supervisors, employees, and co-workers accounted for about 20 percent of the workplace violence experienced by both males and females. Finally (as can be seen in Table 1), from 2005 to 2009, physical violence committed by individuals who had a personal relationship with an employee (an intimate partner, relative, or acquaintance) accounted for about 13 percent of the workplace violence against male employees and about 21 percent of the workplace violence against female employees.

²⁷ Bureau of Justice Statistics, 2011, op. cit., p. 6.

²⁸ Federal Bureau of Investigation, op. cit., p. 14.

Workplace violence perpetrated by current or former employees and by individuals who have a personal relationship with employees differs from workplace violence perpetrated by criminals, customers, and patients in an important way. When the perpetrator of the violence is someone close to the employee, like a co-worker or someone with whom the employee has a personal relationship, “there is a much greater chance that some warning sign will have reached the employer in the form of observable behavior. That knowledge, along with the appropriate prevention programs, can at the very least mitigate the potential for violence or prevent it all together.”²⁹

What are the Consequences of Workplace Violence?

Workplace violence produces a number of consequences for individual victims as well as for organizations. Some of these consequences are easier to quantify than others. Costs to employers include restoring property, providing psychological care to victims and other affected employees, improving security, and attempting to repair an organization’s tarnished public image. Also, research suggests that the stress and strain caused by workplace violence and aggression are strongly related to high employee turnover, reduced productivity, and lower employee commitment.³⁰

However, the true cost of workplace violence could be even higher than most estimates because there may be many incidents that are not reported. Behaviors such as threats, harassment, and intimidation are rarely reported, yet they also pose risks to American workers and costs to employers.³¹ Often, these incidents are perpetrated by employees, and, if left unchecked, these types of behaviors can escalate into more serious and violent behaviors. Although violent assaults and homicides do occur in the workplace, it is these other behaviors that managers and supervisors regularly encounter.³²

Despite the difficulty of quantifying it, a number of researchers have attempted to place a price tag on the cost of workplace violence. For instance, in the mid-1990’s, the Workplace Violence Research Institute interviewed more than 600 individuals working in private and public sector disciplines who manage the aftermath of workplace violence. These disciplines included line operations, risk management, security, legal counsel, human resources, and employee assistance. Each of these participants was asked to record not only physically violent incidents but also threats or acts of harassment that had occurred in their workplace. An estimate was then made of the various costs that could potentially

²⁹ Id.

³⁰ Jenny M. Hoobler, Ph.D. and Jennifer Swanberg, Ph.D., “The Enemy is Not Us: Unexpected Workplace Violence Trends,” *Public Personnel Management*, Fall 2006, p. 230.

³¹ Steve Kaufer and Jurg Mattman, “The Cost of Workplace Violence to American Businesses,” Workplace Violence Research Institute, 2001, p. 3. Retrieved from <http://consumerdatareporting.com/pdfs/wvri%20cost%20of%20violence.pdf>.

³² Federal Bureau of Investigation, op. cit., p. 6.

be incurred by the organization for each incident. In 1994, based on this methodology, it was estimated that workplace violence resulted in a \$36 billion annual loss to U.S. organizations. A second project in 1996 with a different sample of participants from private and public organizations estimated the annual cost of workplace violence at approximately \$35.4 billion.³³

In June 2002, the FBI's National Center for the Analysis of Violent Crime hosted a symposium that examined a number of issues and best practices related to workplace violence. According to the symposium's report, although cost estimates of workplace violence are less than exact, "lost work time and wages, reduced productivity, medical costs, workers' compensation payments, and legal and security expenses ... clearly run into many billions of dollars."³⁴

In addition to physical injuries, there are a variety of consequences that the individual victims of workplace violence suffer. "These include short- and long-term psychological trauma, fear of returning to work, changes in relationships with co-workers and family, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers."³⁵ It is also important to remember that the effects of workplace violence are not only felt by employees who are directly attacked—other employees can be affected and may also need healing after a violent incident.³⁶

According to the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 96 percent of victims of domestic violence experience work-related problems—30 percent of these victims actually lose their jobs because of attendance or performance issues. "Even if the violence is never acted out at work, the effects are costly. Estimates range between \$3 and \$5 billion annually measured in absenteeism, increased health care costs, and lost productivity"³⁷ due to domestic violence alone.

What Federal Policies Apply?

Remedies that are available to most employees who are affected by workplace violence are derived from workers' compensation statutes, civil rights statutes, or from other Federal or State regulations that require employers to provide a safe workplace.³⁸ A number of Federal laws exist that outlaw violent conduct against current or former Federal officers

³³ Kaufer and Mattman, op. cit., p. 2.

³⁴ Federal Bureau of Investigation, op. cit., p. 12.

³⁵ Id., p. 58.

³⁶ Id.

³⁷ Kim M. Kerr, *Workplace Violence—Planning for Prevention and Response*, Elsevier Inc., Burlington, MA, 2010, p. 120.

³⁸ John J. Matchulat, "Separating Fact from Fiction About Workplace Violence," *Employee Relations Law Journal*, 33(2), Autumn 2007, p. 19.

and employees or their immediate families. Such conduct includes murder, assault, and kidnapping; or attempting to carry out (or threatening to carry out) such acts with the intent to impede, intimidate, or interfere with such officials on account of the performance or their official duties (see, for example, 18 U.S.C. § 111, 115, and 1114).³⁹

Requirements that are placed upon organizations and employees that can be generally related to violence in the Federal workplace include:

Occupational Safety and Health Act of 1970. The Occupational Safety and Health Act of 1970 requires that covered employers furnish “a place of employment...free from recognized hazards that are causing or likely to cause death or serious physical harm to... employees.”⁴⁰ The Act also requires Federal agencies “to establish and maintain an effective and comprehensive occupational safety and health program [including providing] safe and healthful places and conditions of employment.”⁴¹

The Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, is empowered to enforce employers’ general duty to reduce or eliminate recognized workplace hazards that may cause death or serious injury to employees. OSHA has interpreted this general duty to include, or at least not exclude, reducing or eliminating criminal violence that may be recognized in specific employment arenas as part of the nature of doing business. OSHA has noted that the areas of potential liability for employers include negligence in hiring and retention, failure to warn potential victims, and failure to repudiate incidents of workplace violence.⁴²

Occupational Safety and Health Administration regulations. Federal supervisors are responsible (to the extent of their authority) for furnishing employees with a place of employment free from recognized hazards that are likely to cause death or serious physical harm.⁴³ Agencies are responsible for training supervisors on their responsibilities for providing and maintaining safe and healthy working conditions, as well as on a variety of Federal and agency occupational safety and health requirements.⁴⁴

In 2005, OSHA amended the occupational injury and illness reporting requirements found at 29 C.F.R. § 1960 to make the Federal agency reporting requirements essentially identical to those which apply to the private sector. Although these regulations do not

³⁹ For more information about such laws see, Congressional Research Service, *Crimes of Violence Committed Against Federal Officials or Employees: A Brief Overview of Federal Criminal Law*, January 11, 2011. Retrieved from <https://opencrs.com/document/R41574/>.

⁴⁰ 29 U.S.C. § 654(a)(1).

⁴¹ 29 U.S.C. § 668(a) and (a)(1).

⁴² Robert C. Barish, “Legislation and Regulations Addressing Workplace Violence in the United States and British Columbia,” *American Journal of Preventive Medicine*, 20(2), 2001, p. 151.

⁴³ 29 C.F.R. § 1960.9.

⁴⁴ 29 C.F.R. § 1960.55.

specifically require agencies to report incidents of workplace violence, they do require agencies to collect and analyze injury and illness data to identify unsafe and unhealthy working conditions and to establish abatement programs based on their analyses.⁴⁵

Executive orders. Among the many Executive orders dealing with safety in, and the emergency preparedness of, Federal facilities, are Executive orders 12196 (Occupational Safety and Health Programs for Federal Employees) and 12977 (Interagency Security Committee).

Executive Order 12196 (signed on February 26, 1980) requires that agencies:

- Furnish to employees places and conditions of employment that are free from recognized hazards that are likely to cause death or serious physical harm;
- Operate an occupational safety and health program and designate an agency official to manage and administer that program;
- Comply with all standards of the Occupational Safety and Health Act (as required) except where the Secretary of Labor has approved alternative agency standards; and
- Ensure prompt abatement of unsafe or unhealthy working conditions.

Executive Order 12977 (signed October 19, 1995) created the Interagency Security Committee to establish policies for the security in and protection of Federal facilities; develop, evaluate, and ensure compliance with security standards for Federal facilities; and take actions to enhance the quality and effectiveness of the security and protection of Federal facilities.

Presidential memoranda. Among the Presidential memoranda issued regarding violence in the Federal workplace is “Establishing Policies for Addressing Domestic Violence in the Federal Workforce,” April 18, 2012. This memorandum requires the U.S. Office of Personnel Management to issue guidance to Federal agencies to prevent domestic violence and address its effects on the Federal workforce.⁴⁶

Federal property management regulations. Among other things, these regulations prohibit individuals who enter onto Federal property from willfully damaging or

⁴⁵ Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters; Subpart I for Recordkeeping and Reporting Requirements, 69 Fed. Reg. 68,793, 68,794 (Nov. 26, 2004) (to be codified at 29 C.F.R. pt. 1960).

⁴⁶ Establishing Policies for Addressing Domestic Violence in the Federal Workforce, 77 Fed. Reg. 24,339 (April 23, 2012). Prior to publication of this report, officials at the U.S. Office of Personnel Management reported that they had collected pertinent agency policies and (in consultation with other agencies) were in the process of developing guidance regarding domestic violence in the Federal workplace. There are currently no plans to issue new guidance regarding other aspects of violence in the Federal workplace.

destroying property, stealing property, or creating any hazard to persons or things.⁴⁷ In addition, occupant agencies of Federal facilities are required to promptly report all crimes and suspicious circumstances to the regional Federal Protective Service and to local law enforcement as appropriate. Occupant agencies are also responsible for making recommendations on how to improve the effectiveness of protecting Federal facilities, and for providing training to employees on protection and responses to emergency situations.⁴⁸

Standards of ethical conduct for employees of the executive branch. Although they do not specifically reference workplace violence, these standards make clear that Federal employees are expected to act in accordance with the law and ethical principles.⁴⁹

Merit system principles. Federal Executive agencies are required to manage personnel in accordance with nine merit system principles. Two of these principles that are pertinent to the current study are the efficient and effective use of the Federal workforce and the maintenance of high standards of integrity and conduct by that workforce.⁵⁰

The following chapters present employee perceptions regarding the prevalence and nature of violence in Federal workplaces and the consequences of such violence. They also outline steps that Federal agencies can take to prevent and respond to workplace violence.

⁴⁷ 41 C.F.R. § 102-74.380(b)-(d).

⁴⁸ 41 C.F.R. § 102-74.15(b)-(d).

⁴⁹ 5 C.F.R. § 2635.101(b)1.

⁵⁰ 5 U.S.C. § 2301(b)(5) and (4).

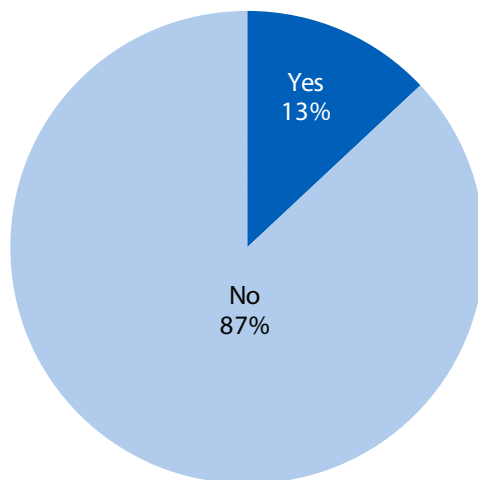
OBSERVATIONS OF FEDERAL WORKPLACE VIOLENCE

This chapter presents survey results regarding the prevalence of violence across the Federal workplace as well as within different occupations and agencies.

Workplace Violence Across the Federal Government

The MPS 2010 asked if survey participants had, during the past two years, observed any incident of workplace violence. Workplace violence was defined as “violent acts directed towards a person at work or on duty (e.g. physical assaults, threats of assault, harassment, intimidation, or bullying).” As shown in Figure 2, although the vast majority of respondents reported that they had not observed workplace violence, 13 percent said that they had, in fact, observed such an incident during the past two years.

Figure 2. During the past two years, have you observed any incident of workplace violence?



These survey results, when extrapolated to the Federal workforce as a whole, mean that more than 240,000 Federal employees observed an incident of workplace violence in the two years prior to the administration of the MPS 2010.⁵¹

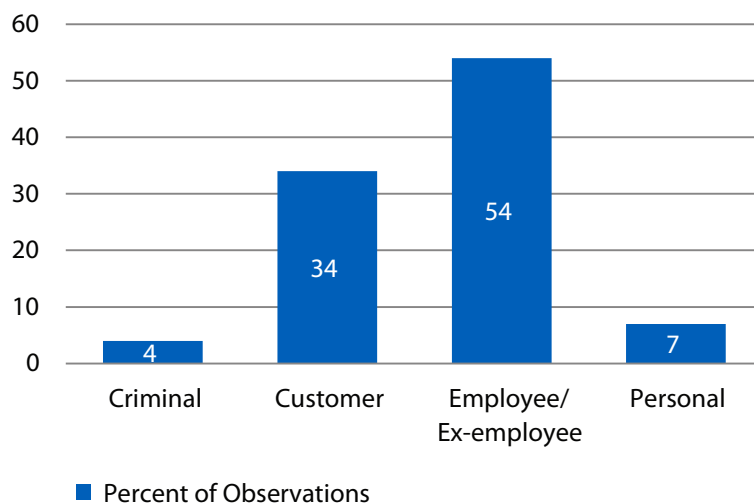
⁵¹ Based on 1,856,733 full-time, permanent employees on board as of September 2010 according to data available from the U.S. Office of Personnel Management at www.fedscope.opm.gov.

The MPS 2010 also asked employees to identify the perpetrator of the violent incident that they had observed. That is, whether the perpetrator was:

- An individual who had no other connection with the workplace but to commit a robbery or other crime;
- A customer, client, patient, student, inmate, or any other individual for whom the employee's organization provides services;
- A current or former employee; or
- Someone who does not work there, but has a personal relationship with an employee (e.g., an abusive intimate partner).

As shown in Figure 3, among the MPS 2010 respondents who reported observing an incident of workplace violence, violence committed by current or former employees was the most common type of workplace violence observed. The prevalence with which our survey respondents observed current or former employees committing violent acts exceeded the other three types of workplace violence combined. This illustrates the need to focus increased management attention on the issue of workplace violence caused by current or former employees. While it is impossible for organizations to completely rid the workplace of all violent acts, especially those perpetrated by populations outside of the organization's sphere of influence, there are strategies that will be discussed later in this report that organizations can use to reduce the likelihood of employee violence occurring in the workplace (see the chapter, "Preventing Workplace Violence").

Figure 3. Type of Workplace Violence Observed.



Much of the workplace violence perpetrated by employees—ranging from threats, intimidation, and bullying to assaults—arises out of interpersonal conflict. While differing or conflicting employee viewpoints are typically necessary for healthy, normal organizational operations, more serious conflicts can occur between employees and their supervisors or coworkers; between employees and customers or contract employees; or conflict at an employee’s home can spill over into the work environment. Any of these types of conflict can increase the stress level in the workplace, which may lead to a violent incident.⁵²

Conflicts in the Federal workplace are fairly commonplace. According to the Merit Principles Survey 2005, 49 percent of supervisors and 37 percent of all employees indicated that they had dealt with at least one serious conflict during the past two years. This survey defined “serious conflict” as one that the survey participant “felt if not addressed would result in negative workforce consequences such as low morale, low organizational productivity or performance, perceived unfairness, absenteeism, attrition, or even fear.”⁵³

Figure 3 illustrates that 88 percent of our survey respondents who observed a violent act in the previous two years reported that that act was committed by individuals who, for the most part, actually had access to or had a legitimate reason to be at the workplace—namely, customers, employees, and ex-employees. While security measures designed to keep out individuals who seek to do harm in Federal workplaces remain vitally important, these findings should draw attention to the internal threats that Federal agencies face.

It is interesting that the small incidence of workplace violence perpetrated by criminals (as well as the large incidence perpetrated by employees) in the Federal workplace contrasts sharply with the BJS data for all U.S. workplaces discussed earlier (see Table 1) that are based purely on overt physical violence. However, in the aforementioned BLS survey that used a broader definition of workplace violence than that used by BJS, co-workers were among the most prevalent perpetrators of workplace violence in private industry and State government establishments.⁵⁴ As will be seen later in this chapter, the large number of observations of current and former employee workplace violence may stem from co-worker harassment, intimidation, or bullying.

Workplace Violence and Federal Occupations

According to BJS, during the period 2005-2009, persons working in law enforcement experienced the highest proportion of workplace violence (accounting for about 19 percent of the victims of workplace violence). The occupations that accounted for the

⁵² Kerr, op. cit., pp. 121-122.

⁵³ U.S. Merit Systems Protection Board, 2007, op. cit., pp. 33-34.

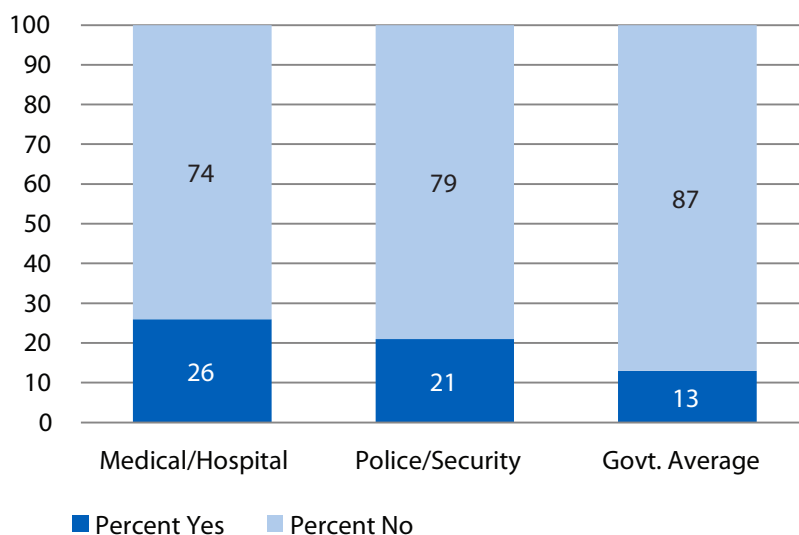
⁵⁴ Bureau of Labor Statistics, 2006, op. cit., Table 1. An equivalent percentage of private industry establishments reported an incident perpetrated by criminals and co-workers.

next two highest proportions of victims of workplace violence were retail sales and medical occupations (accounting for 13 percent and 10 percent of victims, respectively).⁵⁵ Our Federal employee survey data generally echo the BJS findings (which were based on all economic sectors) that individuals in law enforcement and medical occupations experience higher than average rates of workplace violence.

White collar jobs within the Federal Government are classified within several occupational groups.⁵⁶ For example, all medical occupations (including medical officers, nurses, occupational and physical therapists, and health aids and technicians) reside in the Medical, Hospital, Dental, and Public Health Occupational Group.⁵⁷ Federal law enforcement occupations reside in two occupational groups—the Miscellaneous Occupations Group and the Inspection, Investigation, Enforcement, and Compliance Occupational Group.

As shown in Figure 4, the Federal occupational group whose members observed the highest incidence of workplace violence was the Medical, Hospital, Dental, and Public Health Occupational Group. Whereas 13 percent of Federal employees reported observing workplace violence, double (26 percent) the number of employees in the medical/hospital occupational group observed workplace violence.

Figure 4. During the past two years, have you observed any incident of workplace violence? (Occupational groups or groupings observing more violent incidents than average.)⁵⁸



⁵⁵ Bureau of Justice Statistics, 2011, op. cit., p.4. Data based on the National Crime Victimization Survey of a representative sample of U.S. households of crime against persons age 16 and older while they were at work.

⁵⁶ This discussion is limited to white collar occupations. The number of MPS 2010 survey respondents within each of the blue collar occupations was generally too small to allow critical analysis.

⁵⁷ For a complete listing of all occupations within each occupation group, see the *Handbook of Occupational Groups and Families*, U.S. Office of Personnel Management.

⁵⁸ Here and in subsequent figures the Medical, Hospital, Dental, and Public Health Occupational Group has been shortened to “Medical/Hospital.”

Given previous research establishing that law enforcement occupations experienced higher rates of workforce violence, we examined six specific police/security occupations within the two law enforcement occupational groups.⁵⁹ As can be seen in Figure 4, our data indicate that this separate grouping of six police/security occupations also observed a higher than average rate of workplace violence (21 percent).

Each of the other 22 occupational groups within the Federal civilian service was either very close to or below the Governmentwide average for observing workplace violence.

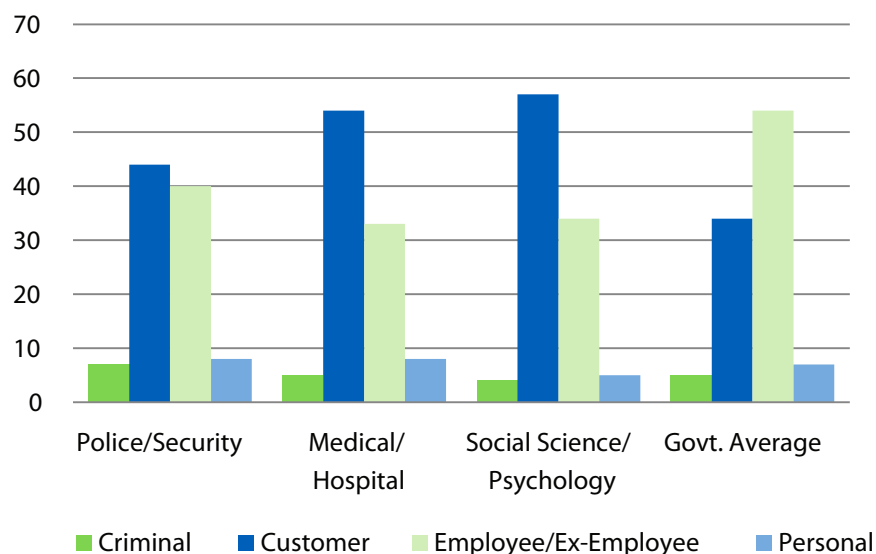
In the health care industry, there are many opportunities for workplace violence perpetrated by customers, clients, or patients. Such violence may occur when a patient needs to be restrained, when a patient is agitated or has received bad news, or when a patient is asked to do something the patient does not want to do. Friends of patients or family members who may be anxious or distressed may also be sources of workplace violence against members of the medical profession.⁶⁰ Similarly, responding to violent incidents perpetrated by criminals or any other individual in the workplace is a normal part of the duties of Federal employees in police and security occupations.

Figure 5 shows the types of workplace violence observed within our police/security group, the medical/hospital occupational group, as well as the Social Science, Psychology, and Welfare Occupational Group (referred to as social science/psychology in Figure 5). These three occupational groupings were the only ones across the Government where the most workplace violence observed was not carried out by current or former employees. The most workplace violence observed by members of these three groups was caused by customers, clients, or patients.

⁵⁹ These six occupations are: Police (0083), Security Guard (0085), Security Clerical and Assistance (0086), Compliance Inspection and Support (1802) (which includes Transportation Security Officers), Customs and Border Protection (1895), and Border Patrol Enforcement (1896). It is beneficial to examine these six occupations separately from their larger occupational groups since those groups also include occupations as varied as community planning, fingerprint identification, nuclear materials couriers, general student trainees, mine safety, and food inspection. Law enforcement organizations within the Department of Justice did not participate in the MPS 2010, therefore the experiences of those employees could not be included in our analysis.

⁶⁰ Carol W. Wilkinson, MD, MSPH, "Violence Prevention at Work—A Business Perspective," *American Journal of Preventive Medicine*, 20(2), 2001, p. 158.

Figure 5. Type of Workplace Violence Observed (occupational groups or groupings observing more customer than other types of violence, by percentage of observations).



The data presented in Figure 5 supports the discussion above regarding the prevalence of patient-based workplace violence among medical professionals. Some of the employees within the social science/psychology occupational group (such as psychologists) may experience similar issues. In addition, within the social science/psychology occupational group is the Social Insurance Administration series. These employees adjudicate, authorize, or reconsider claims from individuals for benefits such as retirement and survivors insurance, disability insurance, and supplemental income. These social insurance programs touch the lives of all Americans at various times, often in times of crisis, need, or distress.⁶¹ Employees in the Social Insurance Administration series observed a high occurrence of customer-based workplace violence, which contributed to it being the most observed type of violence across the entire social science/psychology occupational group.⁶²

Employees in our police/security occupation grouping also observed more violence perpetrated by customers than current or former employees. One possible explanation for this finding could be that employees may be quicker to call for assistance if a customer (someone from outside of the workplace) threatens them than if a colleague harasses, intimidates, or bullies them. As stated, these types of incidents are typically under-reported to law enforcement. As criminal workplace violence only accounted for 4 percent of all employee observations of workplace violence, it should not be surprising that this type of violence also accounted for a small proportion of that observed by employees in the police/security occupation grouping.

⁶¹ Position Classification Standard for Social Insurance Administration Series, GS-0105, U.S. Office of Personnel Management, TS-129, December, 1993, p. 4.

⁶² Seventy-three percent of the observations of workplace violence of employees in the Social Insurance Administration Occupational Series was perpetrated by customers or clients.

Workplace Violence and Federal Agencies

The variation in the percentage of MPS 2010 respondents from different agencies who observed an incident of workplace violence as well as in the type of violence they observed may be attributed to differing agency missions and occupational makeup. Figure 6 shows the percentage of MPS 2010 respondents within each agency who observed workplace violence. The percentage of respondents in different agencies who agreed that they had observed an incident of workplace violence over the past two years ranged from 4 to 23 percent.

Figure 6. During the past two years, have you observed any incident of workplace violence? (Percent and number of “Yes” responses, by agency.)

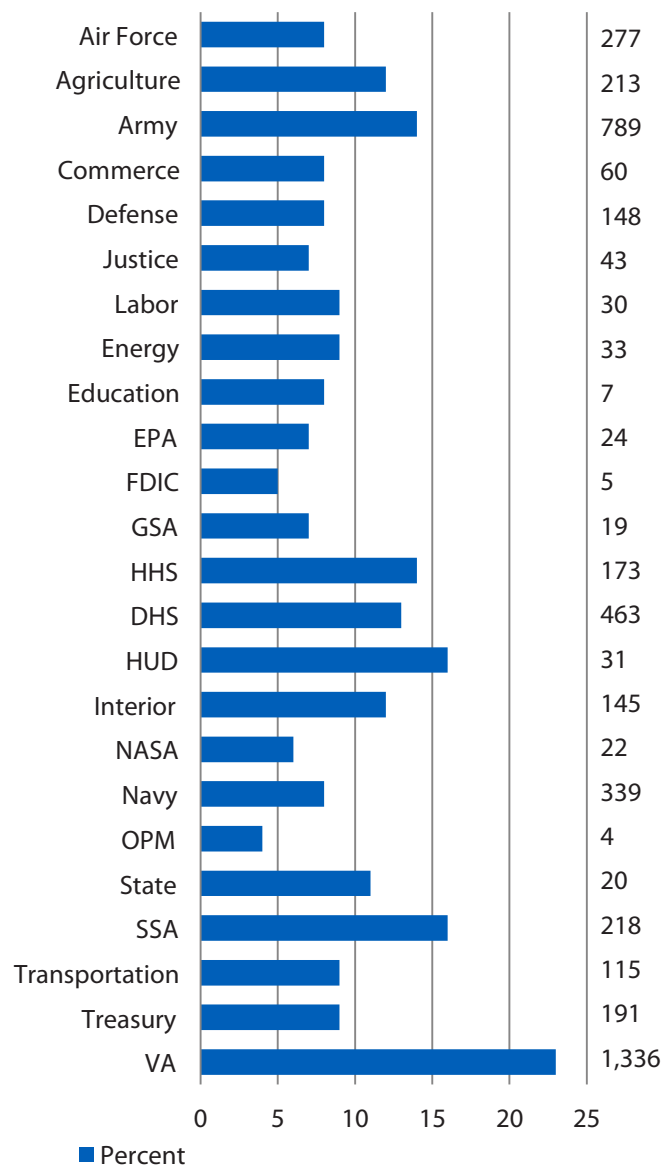
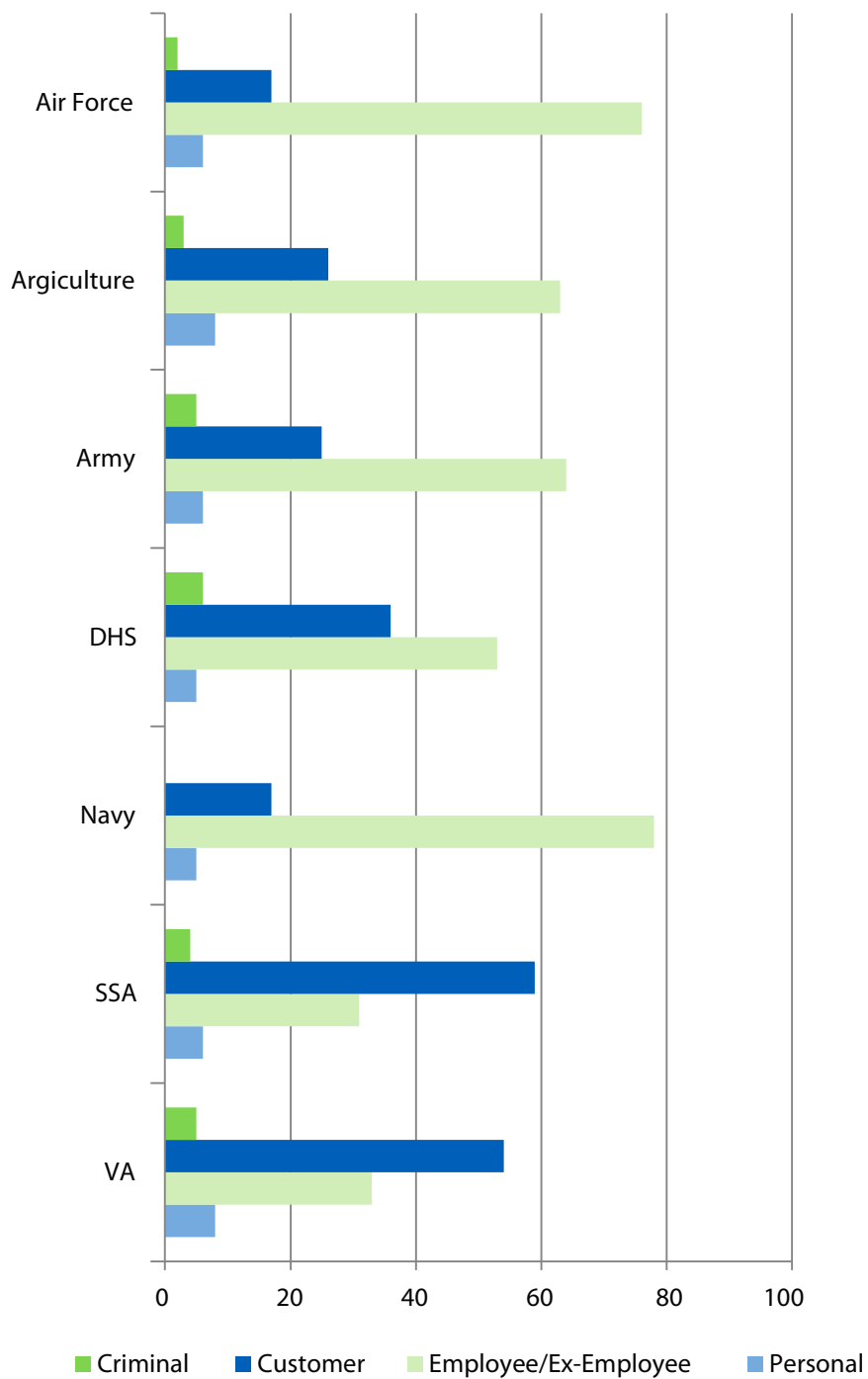


Figure 7 shows the types of workplace violence that respondents from selected agencies observed.

Figure 7. Type of Workplace Violence Observed (percentage by agency).



Only agencies where at least 200 survey respondents observed an incident of workplace are shown.

It is difficult to generalize the types of observations to the agencies with fewer cases.

As with the overall trend for the Federal workforce, employees in the majority of agencies most often observed workplace violence perpetrated by current or former employees. However, there were two agencies where most of the workplace violence that employees observed was perpetrated by customers, clients, or patients—the Social Security Administration (SSA) and the Department of Veterans Affairs.

The primary mission of these two agencies is to provide direct services to the public rather than serve in a policy making or regulatory role. As noted, twice the percentage of employees in medical occupations observed workplace violence than MPS 2010 survey respondents as a whole, and most of this workplace violence was committed by clients or customers. These findings may help explain both why employees in the Department of Veterans Affairs observed more workplace violence than any other agency (as shown in Figure 6), and why this violence was mostly client-based (as shown in Figure 7). Fifty-three percent of the Department of Veterans Affairs' workforce are in the Medical, Hospital, Dental, and Public Health Occupational Group.

As shown in Figure 7, the SSA was the only other agency where most of the observations of workplace violence were based on client or customer violence. As noted, the high occurrence of observations of client-based workplace violence of employees in the Social Insurance Administration Occupational Series helped to make that type of violence the most prevalent within the whole social science/psychology occupational group. Similarly, this occupation series also helped to make client-based workplace violence the most prevalent within the SSA—43 percent of the SSA workforce is employed in that single occupational series.⁶³

⁶³ Percentages of Department of Veterans Affairs and SSA workforce within various occupational series based on full-time, permanent employment as of September 2010, U.S. Office of Personnel Management, Central Personnel Data File.

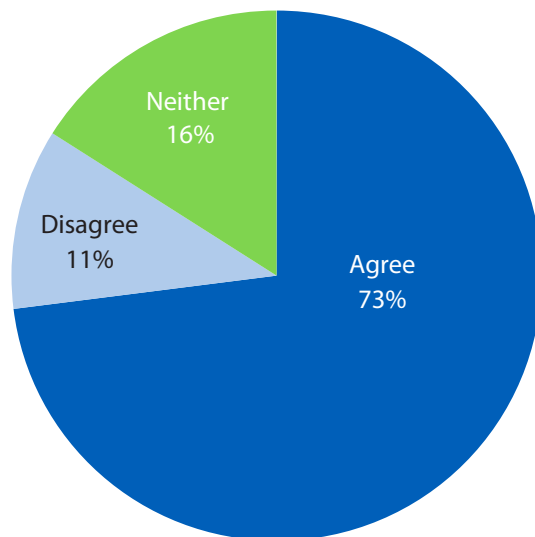
DO FEDERAL EMPLOYEES BELIEVE AGENCIES KEEP THEM SAFE?

This chapter discusses Federal employee perceptions about the steps that their agencies take to protect them while at work. It is important to remember that some steps that agencies take to protect their employees may not be visible to all employees.

Attitudes of the Federal Workforce

The MPS 2010 asked employees to agree or disagree with the following statement: “My agency takes sufficient steps to ensure my safety from violence occurring at my workplace.” As can be seen in Figure 8, almost three-quarters (73 percent) of MPS 2010 respondents agreed that their agencies take sufficient steps to ensure their safety from violence occurring at the workplace and only 11 percent of employees disagreed. Although disagreement with this item ranged from 3 percent to 16 percent across agencies, it appears that most Federal employees generally believe their agencies are taking appropriate steps to keep them safe.

Figure 8. My agency takes sufficient steps to ensure my safety from violence occurring at my workplace.⁶⁴



⁶⁴ Here and in subsequent discussion we collapsed five survey response choices—Strongly Agree, Agree, Neither Agree nor Disagree, Disagree, Strongly Disagree—into the three shown by combining the first two choices and the last two choices as if they were a single response category. This helped us to categorize responses either positively or negatively to better analyze and clearly communicate survey results.

MSPB Case Law: Agency Obligation to Provide a Safe Workplace

[I]n the present case, the fighting occurred at the worksite during duty hours. The agency had an obligation to provide a safe and secure workplace, which was thwarted by appellant's conduct. Thus, under the circumstances, we find that appellant's conduct is a serious offense which has a direct effect on the efficiency of the service. *Grandison v. Department of the Navy*, 7 M.S.P.R. 301, 304 (1981).

An employee's verbal threat to his supervisor is without question a serious offense... Such behavior affects the agency's obligation to maintain a safe work place for its employees, thus impinging upon the efficiency of the service. *Robinson v. U.S. Postal Service*, 30 M.S.P.R. 678, 679 (1986).

A federal agency, like any other employer, cannot be expected to tolerate threats directed at supervisory personnel. *Chatman v. Department of the Army*, 73 M.S.P.R. 582, 588 (1997).

If an organization has a high level of workplace violence, we may expect that employees would think that the organization should do more to ensure their safety. Conversely, if the organization experiences no workplace violence, employees may be satisfied with the steps that the organization has taken to keep them safe. For the most part, across different agencies, this hypothesis was supported by our survey data. In a small number of agencies, however, there were some attitudes that differed from this trend. In these agencies, there were more employees who observed workplace violence than believed their agency should do more to keep them safe. It may be that employees in these agencies are aware that their occupations place them at an increased risk of experiencing workplace violence but, nevertheless, believe the steps their agencies have taken to try to keep them safe are appropriate.

Although almost three-fourths of our survey respondents believe that their agencies take sufficient steps to ensure their safety, previous MSPB research suggests that agencies have some work to do with respect to conflict resolution. The MPS 2005 asked Federal employees whether they agree with the statement "My agency responds constructively to workplace conflicts." Only about one-quarter to one-half of agency workforces agreed with this statement.⁶⁵ Although not all conflict results in violence, serious conflict in the workplace may lead to violence or can contribute to the workplace stress that can also result in violence.

⁶⁵ U.S. Merit Systems Protection Board, 2007, op. cit., p. 36.

Attitudes of Federal Employees Who Have Observed Workplace Violence

If we look specifically at whether employees who have actually observed workplace violence believe their agencies are doing enough to keep them safe, we may be able to identify some areas for improvements to agency workplace violence programs. It is helpful to separately analyze this population, because employees who have observed workplace violence may be in a better position to know what steps an agency did and did not take to prevent the violence that occurred, as well as what actions were and were not taken after the incident to attempt to prevent future violence. In other words, this population is likely more knowledgeable about agency policies and practices than employees who have never been affected by workplace violence.

Figure 9 shows the level of agreement among employees who have and have not observed workplace violence with the statement, “My agency takes sufficient steps to ensure my safety from violence occurring at my workplace.” As may be expected, those who actually observed workplace violence were more likely to disagree that their agencies are taking sufficient steps to keep them safe. While 44 percent of the MPS 2010 survey respondents who observed workplace violence disagreed with this statement, only 5 percent who did not observe workplace violence disagreed. It is only natural for employees who have been exposed to an incident of workplace violence to wonder what more their agency, supervisor, or leadership could have done to prevent the incident. This large discrepancy in agreement, however, may suggest that in reality, more can be done.

Figure 9. My agency takes sufficient steps to ensure my safety from violence occurring at my workplace (percentage agreement among those who have and have not observed workplace violence).

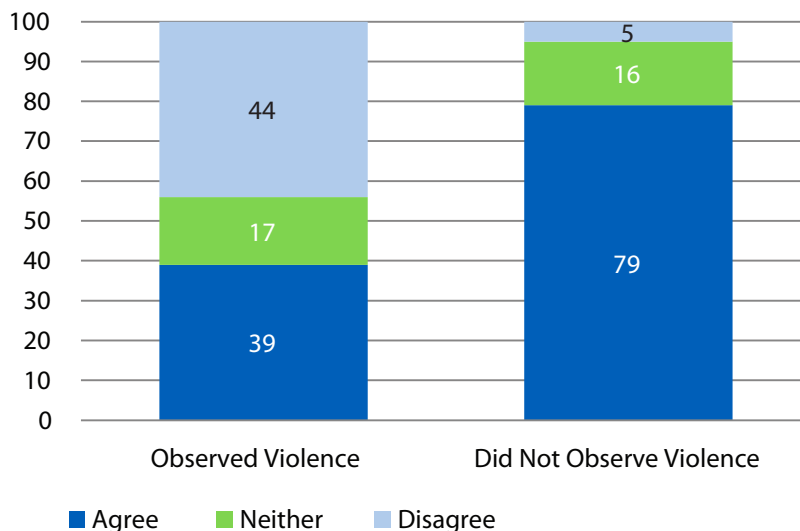
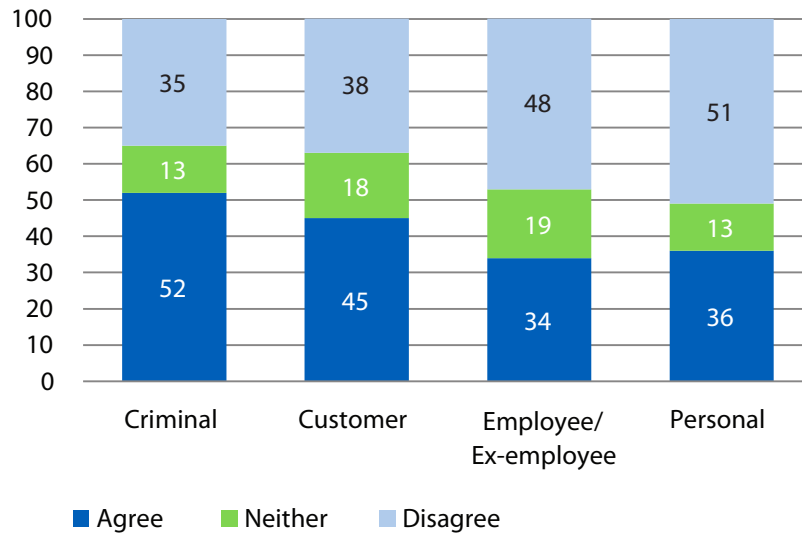


Figure 10 shows the level of agreement of employees who have observed the different types of workplace violence with the statement that their agency ensures their safety. There appear to be differing attitudes among employees who observed different types of workplace violence.

Figure 10. My agency takes sufficient steps to ensure my safety from violence occurring at my workplace (percentage agreement among those who observed workplace violence, by type of violence observed).



Employees who observed workplace violence caused by either criminals or customers were more likely to agree that their agencies took sufficient steps to ensure their safety than those who observed workplace violence caused by current or former employees, or by individuals with a personal relationship with an employee. Specifically, around one-half of employees who observed workplace violence caused by either criminals (52 percent) or customers (45 percent) agreed that their agencies took sufficient steps to ensure their safety. However, only about one-third of employees who observed workplace violence caused by current or former employees (34 percent) or by individuals with a personal relationship with an employee (36 percent) agreed that their agencies took sufficient steps to ensure their safety.

The findings presented in Figure 10 may suggest that, although most employees believe agencies are doing a fairly good job of keeping them safe, there may be some areas that could be improved.

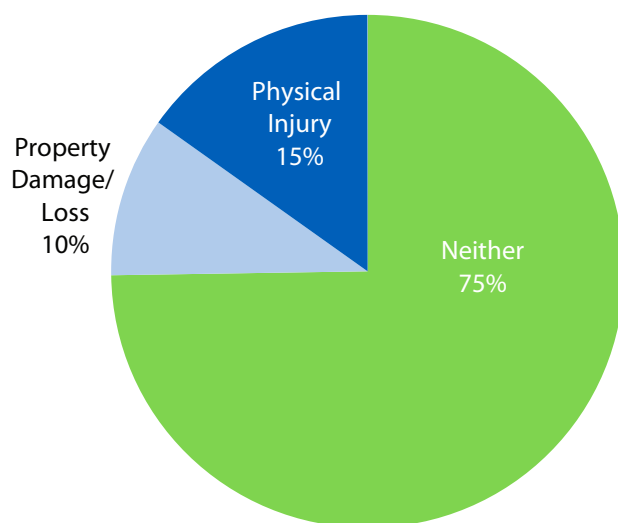
CONSEQUENCES OF FEDERAL WORKPLACE VIOLENCE

To better understand the effect that workplace violence has on the Federal workforce, the MPS 2010 asked whether the incidents of workplace violence that were observed resulted in damage to or loss of property or in physical injury. As noted, tangible injury and property damage are not the only potential outcomes of workplace violence. Psychological damage resulting from workplace violence is also an important possible outcome of which organizations should be aware. However, these intangible outcomes are much harder to assess through surveys, so the MPS 2010 focused on only the tangible outcomes of workplace violence.

Incidence of Physical Injury and Property Damage/Loss

Although most (75 percent) of the observed incidents of workplace violence did not result in either physical injury or property damage/loss, one-quarter of the observations did result in one of these outcomes (see Figure 11).

Figure 11. Observations of workplace violence which resulted in physical injury, property damage/loss, or neither.

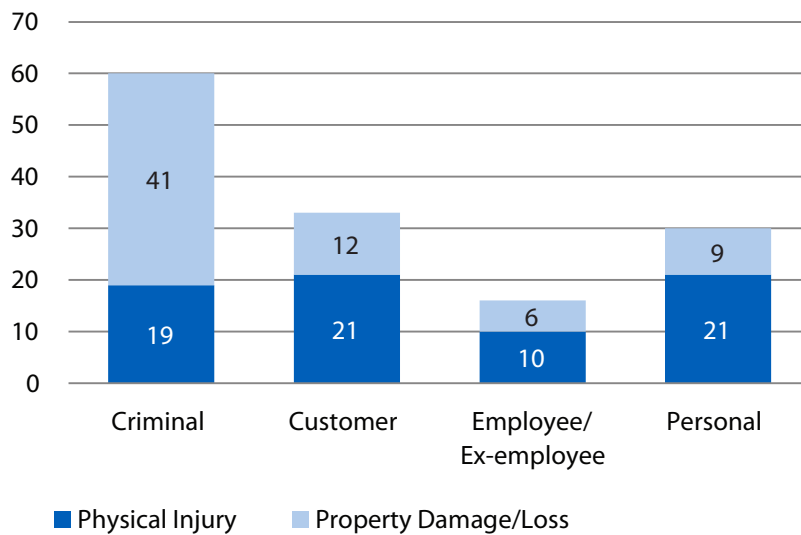


As noted, workplace violence comprises a range of behaviors wider than just physical assaults—it includes threats of assault, harassment, intimidation, or bullying. If one assumes that these forms of workplace violence occur more frequently than outright physical violence, then it is not surprising that the majority of observations of workplace violence from our survey of Federal employees did not result in damage to or loss of property or physical injury.

However, we would expect violence committed in the workplace by the criminal—whose sole purpose for entering the workplace is to commit a criminal act—to result in a large proportion of one of these outcomes. As can be seen in Figure 12, observations of workplace violence committed by criminals resulted in the largest proportion of physical injury and property damage. Sixty percent of observations of workplace violence committed by criminals resulted in either damage to/loss of property or physical injury.

Given that criminal workplace violence involves individuals with no other connection to the workplace but the intention to commit a criminal act there, we wondered why even *more* of the observations of this type of workplace violence did not result in either damage to/loss of property or physical injury. The 40 percent of criminal workplace violence that did not result in either outcome may be due, in part, to those who were apprehended prior to the completion of their intended criminal act. In addition, our survey respondents may have included the activities of protesters in the criminal workplace violence category. Protesters may trespass upon Federal Government property and they may overtly threaten, intimidate, or harass Federal employees. Even absent such overt acts, some Federal employees may find protesters' very presence threatening or intimidating—which falls under our definition of workplace violence.

Figure 12. Percentage of observations of each type of workplace violence resulting in physical injury or property damage/loss.



MSPB Case Law: Seriousness of Penalty Despite Mitigating Factors

Although each case depends on the particular facts and circumstances, the Board has generally found a suspension to be appropriate in cases involving physical altercations which neither result in serious injury nor involve the use of weapons, when the employee has a history of satisfactory performance, when the agency does not rely on a prior disciplinary record in selecting the penalty, and where there is an element of provocation. *Wellman v. Department of the Navy*, 49 M.S.P.R.149, 153 (1991).

Although the appellant's lengthy employment with the agency, the absence of any prior disciplinary action against him, and the absence of any indication that the police officer (whom the appellant struck) was injured are significant considerations, we believe the seriousness of the appellant's offense causes his removal to be within tolerable limits of reasonableness. *Pollard v. U.S. Postal Service*, 24 M.S.P.R. 472, 474 (1984).

Figure 12 also shows that workplace violence perpetrated by Federal employees infrequently results in physical injury. However, such violence should remain a serious concern to Federal organizational leaders because psychological or verbal abuse—workplace violence that does no apparent bodily harm—is particularly insidious. Threats, demeaning or belittling statements, and ridicule can erode the mental health of employees and an organization's ability to function effectively and ultimately to produce desired results.⁶⁶ With such a small proportion of observations of employee workplace violence resulting in either physical injury or property damage or loss, we can assume that a large proportion of this type of workplace violence that was observed was threatening behavior, harassment, intimidation, or bullying.

All of the types of workplace violence save that perpetrated by criminals resulted in a higher proportion of physical injury than property loss or damage. It would appear that while criminals more often target Federal property, other individuals who perpetrate workplace violence (customers, current and former employees, and individuals with a personal relationship with the employees) more often target Federal employees.

Figure 12 displayed the percentage of each type of workplace violence that resulted in physical injury and property loss or damage. However, as noted in Figure 3, the proportions of current or former employee workplace violence (54 percent of all observations) and customer workplace violence (34 percent of all observations) were far greater than the proportion of criminal workplace violence (4 percent of all observations) or workplace violence perpetrated by individuals with a personal relationship with an employee (7 percent of all observations). Therefore, even though only 16 percent of current or former

⁶⁶ S. Anthony Baron, Ph.D., *Violence in the Workplace—A Prevention and Management Guide for Businesses*, Pathfinder Publishing of California, Ventura, CA, 1993, p. 17.

employee workplace violence resulted in physical injury and property loss or damage, because this type of workplace violence made up such a large proportion of the total number of observations, it accounts for a large share of the total proportion of incidents that resulted in either physical injury (36 percent, see Figure 13) or property loss or damage (34 percent, see Figure 14).

Figure 13. Observations of workplace violence resulting in physical injury by type of violence.

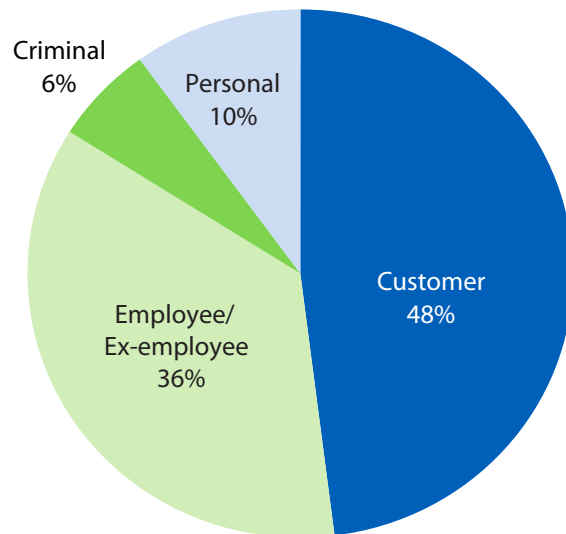
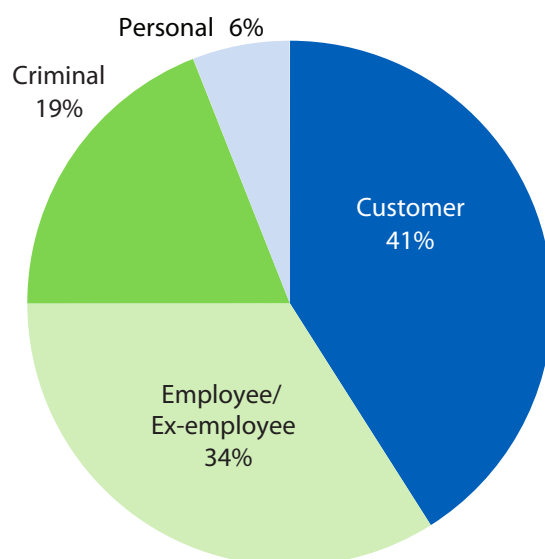


Figure 14. Observations of workplace violence resulting in property damage/loss by type of violence.



MSPB Case Law: Seriousness of Destroying Government Property

The Board has found that threatening an employee with physical harm and threatening to destroy government property is a serious offense which affects an agency's obligation to maintain a safe workplace for its employees and it effects the efficiency of the service. Notwithstanding the appellant's apparently satisfactory job performance, for these and other charges the Board's consideration of all factors relevant to the appellant's penalty does not reveal that the penalty of removal was unreasonable. *Simmons v. Internal Revenue Service*, 10 M.S.P.R 133, 138 (1982).

Conversely, even though the majority (60 percent) of criminal workplace violence resulted in either physical injury or property loss or damage, because these types of incidents only accounted for 4 percent of all observations, they account for a small portion of the total incidents that resulted in physical injury (6 percent) or property loss or damage (19 percent).

That current or former employee workplace violence accounted for about one-third of the observed incidents that resulted in either property loss/damage or physical injury points out again the importance of focusing attention on current or former employee workplace violence—in an attempt to reduce the one-third of the incidents that result in property loss/damage and physical injury in the Federal workplace.

Federal Employee Engagement and Workplace Violence

Previous MSPB research found a relationship between the engagement level of Federal employees and certain desirable agency outcomes. That research defined employee engagement as a heightened connection between employees and their work, their organization, or the people they work for or with. We found that in Federal agencies where more employees were engaged, better program results were produced, employees used less sick leave, fewer employees filed equal employment opportunity complaints, and there were fewer cases of work-related injury or illness.⁶⁷

Given the important role that employee engagement plays in improving agency outcomes, and the research noted earlier in this report that workplace violence has a detrimental effect on employee commitment and productivity, we wondered what relationship workplace violence has with the engagement level of the Federal workforce. As shown in Figure 15, it seems that employees who have not observed an incident of workplace violence are more likely to be engaged than those who have seen such an incident.

⁶⁷ U.S. Merit Systems Protection Board, *The Power of Federal Employee Engagement*, Washington, D.C., 2008.

Figure 15. During the past two years, have you observed any incident of workplace violence? (Percentage by level of engagement.)

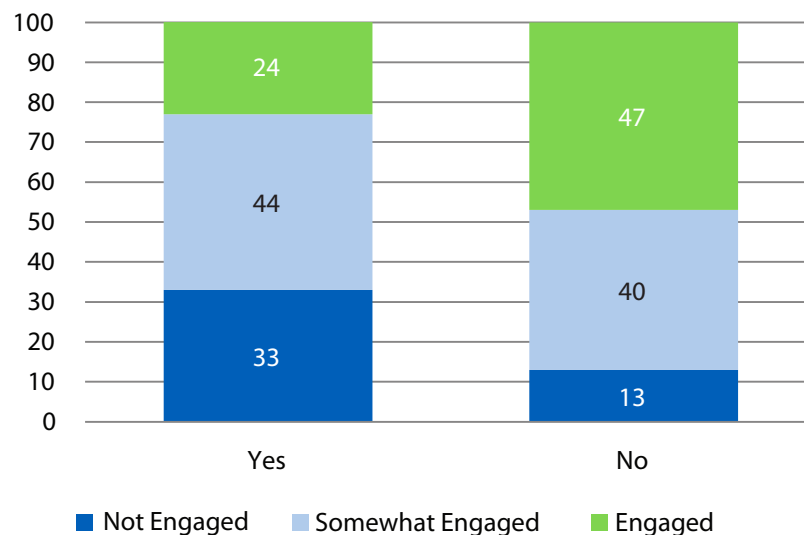
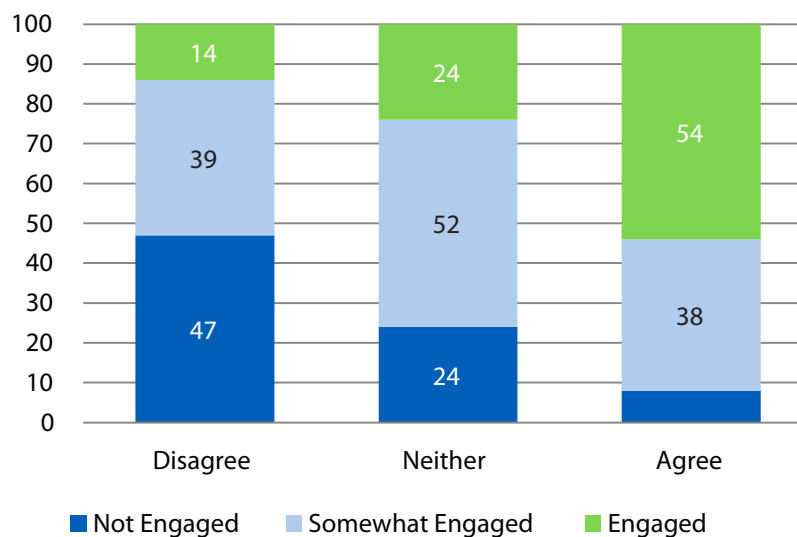


Figure 16 shows an even more striking difference in the level of engagement between employees who agreed that their agency takes sufficient steps to ensure their safety from violence occurring at the workplace, and those who disagreed that this is the case. Of the MPS 2010 respondents who agreed that their agency takes sufficient steps to ensure their safety, 54 percent are engaged. Conversely, only 14 percent of our respondents who disagreed that their agency takes sufficient steps to ensure their safety are engaged.

Figure 16. My agency takes sufficient steps to ensure my safety from violence occurring at my workplace (percentage agreement by level of engagement).



It is possible that employees who are more highly engaged may be predisposed to noticing, or giving their agencies credit for, the steps they have taken to keep them safe. It could also be the case that organizations that take the steps necessary to keep employees safe are also adept at creating conditions that foster high levels of employee engagement. Whatever the cause, there are more likely to be engaged employees in organizations where employees believe their organization takes sufficient steps to protect them.

The Role of Organizational Culture

The culture of an organization is not only important in engendering high levels of employee engagement, it is also important with respect to the occurrence of workplace violence. Specifically, an organization's culture and norms can play a role in the level of acceptance of workplace aggression and violence. Some organizations may have a culture where members of the organization believe that aggression is just part of the job. In addition, some organizations may be more contentious than others. In either case, "an organizational climate characterized by job stress from authoritarian managers, negative personalities, and work overload is not uncommon, and in such climates stressors can easily translate into violence risk factors."⁶⁸ One can imagine that such an organizational culture would likely not be labeled by employees as taking sufficient steps to ensure their safety from violence; neither would we think of it as promoting increased engagement among its employees.

MSPB Case Law: Confrontational Management

The Board has found that an "appellant's management style worsened labor-management relations, seriously impeded the agency's attempt to foster a more humane environment, and increased the potential for violence at the postal facility under the appellant's supervision." *Holliman v. U.S. Postal Service*, 75 M.S.P.R. 372, 374 (1997). The Board found that the misconduct was serious and detrimental to the agency's legitimate interests, and that none of the lesser penalties proposed by the appellant would be appropriate under the circumstances. Notwithstanding the appellant's lengthy service and good employment record, the Board found that a four-grade demotion and geographical reassignment was a reasonable penalty. *Id.* at 375, 376.

Some researchers have attributed aggressive organizational cultures to a lack of managerial discipline. "Because of conflict avoidance, improper management training and the like, verbal and sexual harassment and intimidation may occur without reprimand."⁶⁹ In other

⁶⁸ Hoobler and Swanberg, op. cit., p. 232.

⁶⁹ *Id.*

cases organizations may lack an open, prevention-oriented culture, which can result in victims feeling inhibited from alerting management of either single incidents or patterns of abusive behavior. In these cases employees may feel that nothing will be done even if they were to report incidents of workplace violence.⁷⁰ On the other hand, “organizational cultures which foster mutual respect, trust, and open communication can help reduce the threat of violence and provide employees with strategies for dealing with problems and issues as they arise.”⁷¹ This is the type of culture that we generally also associate with highly engaged employees.

Employees who either have not observed workplace violence or who believe their organization takes appropriate steps to ensure their safety, are more likely to form a heightened connection with their organization. In addition, organizations that take the threat of workplace violence seriously, implement effective programs to counter such threats, and ensure that employees are aware of those programs, may be more likely to undertake other workplace strategies that help to engage employees.

⁷⁰ National Institute for Occupational Safety and Health, *Workplace Violence Prevention Strategies and Research Needs*, Publication No. 2006-144, 2006, p. 11.

⁷¹ Hoobler and Swanberg, op. cit., p. 232.

PREVENTING WORKPLACE VIOLENCE

No agency prevention program can eradicate all workplace violence. Neither the most technologically advanced security systems nor the most advanced psychological expertise can guarantee an end to violence in the workplace.⁷² Somewhere and sometime, a customer, stranger, abusive intimate partner, or current or former employee will carry out an act of overt violence, threat of violence, or harassment against a Federal employee. However, effective workplace violence prevention programs can not only “mitigate the expense but also hopefully minimize the number of incidents your organization will experience.”⁷³ This chapter presents a brief discussion of such programs, including:

- Proper planning;
- Mitigation of internal threats;
- Mitigation of external threats; and
- Workplace violence prevention program evaluation.

We make special note of strategies that may help prevent workplace violence perpetrated by employees—that is, mitigating internal threats. We emphasize strategies addressing this type of workplace violence for two reasons: first, as shown earlier in this report, it is the most prevalent form of violence in the Federal workplace. Second, one of MSPB’s missions is to study the health of the merit systems and the extent to which the public’s interest in a civil service free from prohibited personnel practices is being protected. This emphasis on internal threats is not meant to diminish the importance of dealing with other types of workplace violence. Not all of the methods or approaches that are suggested are appropriate for every Federal facility or every Federal organization. However, leaders of Federal organizations should at least be aware of these issues and, where appropriate, should act on these issues to better protect their organizations and the Federal employees they lead.

This chapter does not provide detailed guidance or specific instructions on how to develop antiviolence programs or comprehensive discussion regarding protecting Federal facilities. Our intent is to provide background material that will give the reader a basic understanding of the issues related to preventing incidents of workplace violence. We believe this material

⁷² Baron, op. cit., p. 17.

⁷³ Kerr, op. cit., p. 88.

will be useful to agency planners as well as to individual managers, supervisors, and employees as they attempt to make their workplaces less susceptible to violent incidents.

Management officials, supervisors, human resources staff, employees, and others should consult the literature footnoted throughout this chapter, training materials, and other sources for more detailed guidance on developing effective programs to prevent and respond to workplace violence in their organizations.

Proper Planning

Prevention and response planning are crucial to mitigating the possible damage caused by any risk that an organization faces. Workplace violence is no different—organizations “will be far better able to spot potential dangers and defuse them before violence develops and will be able to manage a crisis better if one does occur, if its executives have considered the issue beforehand and have prepared policies, practices, and structures to deal with it.”⁷⁴ Successful workplace violence prevention programs usually begin by convening a planning group whose tasks are to evaluate the organization’s ability to handle various violent incidents and to recommend ways to strengthen that ability.⁷⁵ The group should examine the factors that may make the organization more susceptible to different types of workplace violence (as a result of either internal or external threats) and plan how to best respond to individual acts of violence.

Among the issues that agency planners should address are:

- Developing written workplace violence policies;
- Using a multi-disciplinary approach to prevention and response;
- Establishing threat assessment and incident response teams; and
- Fostering a relationship with law enforcement.

Written workplace violence policies. The most straightforward way an organization can communicate its stance against workplace violence—and demonstrate senior management’s commitment to preventing workplace violence—is to establish its antiviolence policy in writing. Absent a written policy, when an incident does occur the organization will not be prepared to intervene proactively. “As a result, what may have started out as a simple case of an angry employee may progress to a more serious situation with frightened coworkers and increased risk of physical violence.”⁷⁶

⁷⁴ Federal Bureau of Investigation, op. cit., p. 19.

⁷⁵ U.S. Office of Personnel Management, *Dealing with Workplace Violence, A Guide for Agency Planners*, February, 1998, p. 7.

⁷⁶ Wilkinson, op. cit., p. 156.

Zero Tolerance Policies

When crafting their workplace violence policies, organizations should take care to treat “zero tolerance” as a standard for the organization rather than as a penalty for the individual. Organizations should make clear that zero tolerance *does* apply to workplace violence—threatening or violent behavior is not acceptable and no violent incident will be ignored. Accordingly, employees and the public rightly expect intervention, not inaction, when workplace violence occurs.

However, intervention should be reasoned and proportionate, rather than reflexive or punitive. Zero tolerance does not mean, “that a rigid, one-size-fits-all policy of automatic penalties is appropriate, effective, or desirable. It may even be counterproductive, since employees may be more reluctant to report a fellow worker if he is subject to automatic termination regardless of the circumstances or seriousness of his offense.”⁷⁷ Such reports are often crucial in averting more serious future incidents. Therefore, workplace violence policies need to be flexible enough to offer discipline that fits the offense.⁷⁸

An effective written workplace violence policy should be the outcome of a team effort of appropriate professionals across the organization, and where necessary, outside the organization. The written policy should:

- Clearly outline what behaviors constitute workplace violence, including threatening or abusive physical and verbal behavior;
- Spell out the consequences of the prohibited behaviors;
- Outline the system that will be used for assessing threats and responding to incidents;⁷⁹
- Encourage employees to report all incidents of workplace violence; and
- Inform employees how to make a report.⁸⁰

The policy should be communicated to all employees on a recurring basis using varying means. Knowing that the organization has a formal written policy that has the backing of top management can make it more likely that employees will report offending behavior. It may also signal to supervisors that they will not be viewed as over-reacting if they mention concerns about specific employees⁸¹ through the appropriate channels.

⁷⁷ Federal Bureau of Investigation, op. cit., p. 29.

⁷⁸ A zero tolerance policy may be established if the agency has effectively communicated and consistently followed the policy. *Tucker v. Veterans Administration*, 11 MSPR 131, 133-34 (1982). However, a zero tolerance policy does not excuse an agency from a meaningful consideration of the *Douglas* factors. *Cunningham v. U.S. Postal Service*, 112 M.S.P.R. 457, 459-460 (2009) and *Wiley v. U.S. Postal Service*, 102 M.S.P.R. 535, ¶ 15 (2006). Thus, where an agency cites to a zero tolerance policy and does not conduct a meaningful consideration of the *Douglas* factors, the Board will not give deference to the agency’s penalty determination and will conduct its own analysis.

⁷⁹ National Institute for Occupational Safety and Health, 2006, op. cit., p. 15.

⁸⁰ U.S. Office of Personnel Management, op. cit., p. 13.

⁸¹ Baron, op. cit., p. 96.

Multi-disciplinary approach. Planning for an incident of workplace violence calls for expertise from a number of organizational perspectives. An organization's workplace violence prevention plan will be most effective if it is a result of a multidisciplinary team approach that includes all of these perspectives.⁸² Some of these disciplines, organization levels, and departments include management, unions, human resources, safety and health, security, medical/psychological, legal, communications, and employee assistance.⁸³ Given this wide array of disciplines that need to work together seamlessly in a crisis, it is clear why planning is so important for effectively managing the crisis.

In addition to establishing policies and structures for preventing and responding to violent incidents, the planning process that includes a multidisciplinary approach may make managers "more willing to confront employees who exhibit disruptive and intimidating behaviors when they are supported by a group of specialists who have done their homework.... This team approach promotes creative solutions and much needed support for the manager in dealing with difficult situations that might otherwise be ignored."⁸⁴

Threat assessment and incident response teams. An important part of an organization's planning process is establishing threat assessment and incident response teams. Agencies should identify the personnel who will staff these teams, ensuring they are given the proper training, support, and authority to carry out their responsibilities.⁸⁵

These teams should be responsible for responding to all reports of threats, harassment, violence, or other incidents. The teams (by themselves or with the assistance of outside professionals) should monitor, document, and develop a response to each case brought to their attention. They should also be responsible for developing and/or implementing contingency plans for dealing with the aftermath of a traumatic workplace event. Finally, these teams should also record all violent incidents reported and the resulting interventions, monitor the results of the interventions, and evaluate the actions that were taken.⁸⁶

Decisions about team composition, team member roles and responsibilities, and the need for outside expertise should be made before an emergency occurs. Although teams should be comprised of employees from different disciplines and organizations, they should report to one senior manager "so that the lines of communication and authority are clear and there will not be conflict or confusion in the midst of an emergency."⁸⁷ Implementing this reporting structure will also take advance planning.

⁸² Federal Bureau of Investigation, op. cit., p. 19.

⁸³ National Institute for Occupational Safety and Health, 2006, op. cit., pp. 14-15.

⁸⁴ U.S. Office of Personnel Management, op. cit., p. 2.

⁸⁵ Federal Bureau of Investigation, op. cit., p. 27.

⁸⁶ Id.

⁸⁷ Id.

Liaison with law enforcement. Organizations should develop a relationship with law enforcement well in advance of an incident of workplace violence. “Local law enforcement may prove to be an excellent source of information on experiences that other companies in the area or industry have had and suggestions on how to prevent these situations.”⁸⁸

However, determining which law enforcement agency has jurisdiction over a Federal organization may prove to be challenging. Jurisdiction may vary depending on the specific agency, the type of incident, and the location of the organization in which an incident may occur. These factors can determine whether the Federal Protective Service, the agency’s own law enforcement officials, or Federal, State, or local law enforcement has jurisdiction. Jurisdiction may also be split among any number of these organizations. Federal planners should understand which law enforcement agencies have jurisdiction and should include those agencies in all stages of the planning process, so that law enforcement “can play an active role in prevention, intervention, and response to threatening situations, in addition to their traditional role of responding to actual incidents of physical violence.”⁸⁹

Above all, proper planning includes affirmative decisions by an organization’s leadership regarding what prevention strategies are appropriate given their organization’s mission, occupational mix, location, resources, and other relevant factors. It is also important to note that many organizations have subcomponents that differ in ways that could affect their approach to preventing workplace violence. For example, mission differences (policy making versus serving customers) and differences in the location where the work is carried out (high-crime versus low-crime areas) may require wholly different approaches within the same organization to planning, preventing, and responding to workplace violence. Therefore, it is crucial that organizations plan for workplace violence prevention and response at the lowest appropriate organization level within the overall agency program framework.

Mitigation of Internal Threats

As discussed earlier in this report, the majority of observations of violence in the Federal workforce were perpetrated by current or former Federal employees. Prevention and response strategies to this internal threat should be part of agencies’ formal workplace violence prevention programs. Effectively addressing the following issues may help mitigate workplace violence perpetrated by Federal employees:

⁸⁸ Kerr, *op. cit.*, p. 59.

⁸⁹ U.S. Office of Personnel Management, *op. cit.*, p. 121.

- Organizational culture;
- Applicant screening;
- Workplace violence training;
- Conflict management;
- Application of workplace violence policies; and
- Human resources programs.

It is incumbent on each Federal agency to determine what specific activities are appropriate for their workplaces in addressing each of these issues. The following discussion merely aims to introduce these issues to the reader.

Organizational culture. Supervisors and managers, of course, cannot control how their employees behave. However, they do exert a profound influence on their employees' immediate environment and daily experiences, as well as on the broader organizational culture. If supervisors are poorly chosen or poorly trained, they may create dysfunctional environments. If supervisors are abusive and authoritarian, they can create dissatisfaction and hostile environments.⁹⁰

Organizational culture is important with respect to workplace violence in at least two ways. First, many of the factors that can contribute to workplace violence “are social and psychological in nature, including working conditions, and management policies... Employee feelings of loss of control in high-demand jobs, family problems, substance abuse, loss of a job, and low job satisfaction regularly surface as factors in such occupational violent crime cases. Other contributing factors seem to be authoritarian or punishment-centered management styles, personnel policies that are indifferent to personal problems, low levels of supervisory support for workers, and cultural conflicts.”⁹¹ Agency planners and organizational leaders should assess what type of culture is fostered in their organization—an engaging, collegial one in which differences can be surfaced and resolved constructively, or one wholly different.

Second, in addition to a generally healthy organizational culture, the way in which organizations respond to concerns about violent incidents is important. Healthy organizations have a culture of low tolerance for accepting instances of workplace violence, employees feel safe reporting any instance that concerns them, and these reports are treated seriously and in accordance with effective organizational policies.

⁹⁰ David D. Van Fleet and Ella W. Van Fleet, “Preventing Workplace Violence: The Violence Volcano Metaphor,” *Journal of Applied Management and Entrepreneurship*, 12(3), 2007, p. 26.

⁹¹ Lloyd G. Nigro and William L. Waugh, Jr., “Violence in the American Workplace: Challenges to the Public Employer,” *Public Administration Review*, 56(4), 1996, p. 329.

Due Diligence in Hiring: A Legal Perspective

In the private sector, the legal risk for negligently hiring an employee is real and significant. “Negligent hiring is based on the principle that an employer has a duty to protect its employees and customers from injuries caused by employees whom the employer knows, or should have known, pose a risk of harm to others.”⁹² Actions such as completing background checks, contacting former employers, and checking references demonstrate that employers have taken appropriate care in screening applicants for employment.

In the Federal Government the legal risk for negligent hiring is minimized by the sovereign immunity of the United States from suit. However, the Federal Tort Claims Act (FTCA) provides a limited waiver of sovereign immunity. “The FTCA is the exclusive remedy for common law torts committed by Federal employees acting within the scope of their employment. The FTCA exempts certain acts and omissions by Federal employees, including the exercise of discretionary functions such as the hiring...of employees. The courts have rejected FTCA claims involving negligent hiring...finding that they fall within the ‘discretionary function exception.’ Nonetheless, a prudent course may be to assume that such immunity is never certain.”⁹³

Applicant screening. Mitigation begins with the hiring process. Organizations should ensure to the greatest extent possible that job applicants are properly and thoroughly evaluated through background checks, reference verification,⁹⁴ and formal employment interviews. Thorough background checks can, of course, be time consuming and expensive. The extent of the pre-employment screening will vary according to such things as the level and sensitivity of the job being filled and the policies and resources of the prospective employer.⁹⁵

In order to spot any possible red flags during the hiring process, hiring managers and human resources professionals should be trained on the questions to ask and the signs to look for that may be indicative of a problematic employee.⁹⁶ Such incidents should not be treated as disqualifiers for employment, but can, nevertheless, be potential warning signs that should be investigated and considered when determining if the individual would be a good fit with the workplace.

⁹² Pamela R. Johnson and Julie Indvik, “Workplace Violence: An Issue of the Nineties,” *Public Personnel Management*, 23(4), 1994, p. 518.

⁹³ U.S. Merit Systems Protection Board, *Reference Checking in Federal Hiring: Making the Call*, Washington, D.C., 2005, p. 18.

⁹⁴ National Institute for Occupational Safety and Health, 2006, op. cit., p. 17.

⁹⁵ Federal Bureau of Investigation, op. cit., pp. 20-21.

⁹⁶ Kerr, op. cit., p. 29. Of course, a pattern of past violent or threatening behavior may be the biggest red flag of all. Kerr goes on to state that organizations should ask job applicants why they left their last job, “searching for trends or overt acts or covertly held beliefs that show a pattern of victimization. Although certainly not conclusive, closely held beliefs of being harmed in some way by a previous employer may be identifiable in the form of a pattern of employment where the individual left because of how he was treated or he perceives he was treated.”

Hiring managers should consult with human resources staff to determine what pre-employment screening activities are appropriate for the position being filled and to ensure those activities are consistent with Federal laws and regulations.⁹⁷ For a more detailed discussion on the use of reference checking in the public and private sectors, best practices that can increase the contribution that reference checking makes to hiring decisions, and recommendations for its improved use in Federal hiring, see the MSPB report, *Reference Checking in Federal Hiring: Making the Call*.

Workplace violence training. Ensuring that employees, supervisors, and human resources staff are trained in workplace violence prevention and response is an important part of any effective mitigation effort. Agency leaders should also consider having personnel within the organization deliver such training, whenever possible. It is critical that any training provided be tailored to the specific hazards the employee population faces—based on its occupations, work locations, etc.⁹⁸

Employee training. Exposure to antiviolence policies should begin as soon as the employee starts working for the organization. A segment of the new employee orientation process should give employees an understanding of the organization's workplace violence policies and procedures, and the employees' reporting responsibilities, including the mechanisms in place to report suspicions or incidents.⁹⁹

All employees should know what behaviors constitute workplace violence and how to report an incident. Employees should be provided with contact information for individuals (for example, security officers or threat assessment teams) outside their chain of command to report troubling non-emergency situations. This may help alleviate concerns employees may have about making reports of fellow employees within the organization, and may be a better alternative if employees perceive previous reports made to the organization have not been acted upon.

Among the topics that might be covered in employee training are: the risk factors that can cause or contribute to threats and violence in the workplace, early recognition of warning signs of problematic behavior, and the methods of preventing or diffusing volatile situations or aggressive behavior.¹⁰⁰ Mandatory annual or biannual refresher training (either in a classroom or online) for employees should also be part of the organization's workplace violence prevention program.¹⁰¹ The presence of management in the employee training classes can be a tangible signal to employees of the organization's top level commitment to workplace

⁹⁷ U.S. Office of Personnel Management, op. cit., p. 22.

⁹⁸ National Institute for Occupational Safety and Health, *Violence in the Workplace, Risk Factors and Prevention Strategies*, Publication No. 96-100, 1996.

⁹⁹ Kerr, op. cit., pp. 5, 32.

¹⁰⁰ Federal Bureau of Investigation, op. cit., p. 28.

¹⁰¹ Kerr, op. cit., p. 32.

violence prevention. To further signal this commitment, a train-the-trainer approach can be used with supervisors providing a portion of the training for their own staffs.¹⁰²

The Importance of General Supervisory Training

In addition to specific training on workplace violence prevention and response, agencies should also ensure that their supervisors receive the proper general supervisory training. The approaches taught in such courses that aim to create a healthy and productive workplace can also help prevent potentially violent situations. It is important that this training include “basic leadership skills such as setting clear standards, addressing employee problems promptly, and using the probationary period, performance counseling, discipline, and other management tools conscientiously.”¹⁰³

Such training is, of course, most effective for supervisors who have been selected based on a valid assessment of their current ability or potential to effectively supervise other employees, as opposed to their technical expertise. Training should begin during the supervisor’s first year on the job, and be a part of a formal, rigorous supervisory probationary period.

Supervisory training. In addition to the training made available to all employees, supervisory training should also cover such topics as: ways to encourage employees to report any threatening incident, skills in how to behave compassionately and supportively towards employees who report such incidents, basic skills in handling crisis situations, basic emergency procedures,¹⁰⁴ and understanding the indicators or warning signs of potential trouble within their workforce.¹⁰⁵

An organization’s human resources professionals should reinforce the initial supervisory training by periodically meeting with managers and executives to review the signs of stress and depression in their employees, as well as the availability of support services. Keeping these officials’ attention on such issues will not only attune them to the needs of their staff, but “will speed the response time in clarifying priorities, assessing damages, and planning a course of action before an incident occurs.”¹⁰⁶

Human resources staff training. It is important that Federal human resources professionals be fully trained in preventing and responding to workplace violence. They may be asked

¹⁰² National Institute for Occupational Safety and Health, 2006, op. cit., p. 15.

¹⁰³ U.S. Office of Personnel Management, op. cit., p. 20.

¹⁰⁴ Id., p. 21.

¹⁰⁵ Baron, op. cit., pp. 50-52.

¹⁰⁶ Id., p. 123.

to serve on agency or organizational planning committees, act as a first line of inquiry for the organizations they service, or experience violence in their own organizations.

A component of a 2011 MSPB survey of Federal human resources professionals asked about the extent to which they had been trained in both preventing and responding to workplace violence.¹⁰⁷ These survey results are presented in Table 2.

Table 2. To what extent have you been trained on the following topics?

	Percent of Human Resources Staff		
	Little/No Extent	Some Extent	Great Extent
Preventing violence in the workplace	22	29	49
Responding to violence in the workplace	24	29	47

With just over three-quarters of Federal human resources professionals reporting that they have been trained to some extent or to a great extent in both preventing and responding to workplace violence, it would appear that this portion of the workforce is well-positioned to assist Federal organizations in dealing with these issues. However, with nearly a quarter of human resources professionals reporting that they have received little or no training in these areas, there is room for improvement.

Training delivery. In addition to the actual training, agency planners should contemplate who should provide the training. Many small organizations may not possess staff with the requisite knowledge to conduct workplace violence training. However, where possible, organizations should consider providing this training through their own Employee Assistance Program, security personnel, or employee relations staff. Such training is “particularly helpful, enabling employees to get to know experts within the agency who can help them when potentially violent situations arise. Employees and supervisors seek assistance at a much earlier stage when they personally know the agency officials who can help them.”¹⁰⁸

Conflict management. Healthy organizations welcome differences of opinion and conflicting viewpoints. However, when these differences turn into serious conflicts they should be dealt with by organizational leaders before they escalate into episodes of

¹⁰⁷ Employees within the Human Resources Management and the Human Resources Assistance occupational series as of September 2009 were invited to respond to the survey via email. Approximately 32,000 email invitations were sent and just under 10,000 employees responded.

¹⁰⁸ U.S. Office of Personnel Management, op. cit., p. 19.

workplace violence. When serious conflicts are not dealt with effectively or in a timely manner, one factor typically at play is the human desire to avoid confrontation. This is “part and parcel of the ridiculous but comfortable, and still widely held, belief that if you ignore a problem, it will go away.”¹⁰⁹

There is evidence that this notion exists to some extent in the Federal workplace. The MPS 2005 asked Federal supervisors what attempts they made to internally resolve the most memorable serious conflict they encountered in the past two years.¹¹⁰ Most supervisors attempted to resolve serious conflicts by informal discussions, formal meetings, or taking (or attempting to take) formal disciplinary action. However, a substantial minority (30 percent) of supervisors indicated that they gave this most serious conflict time to resolve itself. When supervisors were asked what the outcome of this conflict was, only 3 percent indicated that the conflict actually resolved itself without intervention.¹¹¹ It is clear that, although some supervisors hope conflicts will resolve themselves, this is rarely the case.

A similar type of reaction can occur even among employees who may be fully aware of the potential dangers of conflict in the workplace. It is possible that employees do not know how to report such issues, they may assume such issues are none of their business, or they may believe that the issue is not worthy of being reported.¹¹² Employees may also neglect reporting violent behaviors for fear of escalated abuse or getting a coworker into trouble.

Results of the MPS 2005 showed that the two most frequently reported sources of serious conflict in the Federal workplace concerned employee conduct problems and issues arising from relationships between employees. Other common sources of conflict included employee performance, work assignments, and problems related to supervisor/employee relationships. Therefore, most serious conflicts in the Federal workplace relate to local issues within the purview of the supervisor rather than other agency or wider organizational issues.¹¹³ However, the Federal supervisory cadre may not be as well-equipped as it should be to deal effectively with conflict in the workplace. According to the results of the MPS 2007, only 22 percent of Federal supervisors indicated that they received formal conflict management training during their first year as a supervisor.¹¹⁴

¹⁰⁹ Baron, op. cit., p. 64.

¹¹⁰ Serious conflict was defined as a conflict that “you felt if not addressed would result in a negative workforce consequence such as low morale, low organizational productivity or performance, perceived unfairness, absenteeism, attrition, or even fear.”

¹¹¹ U.S. Merit Systems Protection Board, 2007, op. cit., pp. 33-37.

¹¹² Kerr, op. cit., p. 8.

¹¹³ U.S. Merit Systems Protection Board, 2007, op. cit., pp. 34-35.

¹¹⁴ U.S. Merit Systems Protection Board, *A Call to Action: Improving First-Level Supervision of Federal Employees*, Washington, D.C., 2010, p. 37.

MSPB Case Law: The Importance of Supervisors

The agency has an obligation to its employees and to its constituencies to create and enforce the principle of non-violence within its ranks, and its supervisors play an important role in accomplishing this necessary goal. *Blackford v. Department of the Navy*, 8 M.S.P.R. 712, 715 (1981).

Application of workplace violence policies. Consistent enforcement of any workplace violence prevention policy is crucial for it to be successful. Employees know—based on management action or inaction—whether the stated policy is integral to the organization’s functioning or whether it is a hollow, unevenly implemented set of rules. If there is a gap between employees’ perception of the stated policy and actual management practice, employees may grow cynical about the policy, and organizational functioning and well-being can erode. Management therefore needs to not only communicate the organizational policy but must also actually implement it when incidents of workplace violence occur or safety concerns arise.¹¹⁵

One common mistake occurs when, instead of dealing with the problem, an organization passes a bad hire or troubled employee from one workgroup to another, hoping that a new assignment, environment, or supervisor “will somehow miraculously fix the unwanted behavior... Sooner or later the employee will return to his or her past behavior, as in one sense, the organization has actually rewarded bad behavior.”¹¹⁶

Human resources programs. As noted, human resources programs such as hiring and training have a direct bearing on preventing workplace violence, especially violence by employees against other employees. In addition, many other human resources programs relate to workplace violence in a more general way. Similar to management policies and the culture of an organization, human resources practices may either help prevent or actually contribute to violence in the workplace.¹¹⁷

Workplace violence can be, in part, an uncontrolled release of accumulated unrelieved stress.¹¹⁸ Some level of stress appropriately exists in every organization. Meeting deadlines, achieving organizational goals, facing consequences when goals are not met, striving

¹¹⁵ Wilkinson, op. cit., p. 156.

¹¹⁶ Kerr, op. cit., p. 98.

¹¹⁷ Evan M. Berman, James S. Bowman, Jonathan P. West, and Montgomery R. Van Wart, *Human Resources Management in Public Service—Paradoxes, Processes, and Problems*, Third Edition, Sage Publications, Thousand Oaks, CA, 2010, p. 303.

¹¹⁸ Robert H. Elliott and Deborah T. Jarrett, “Violence in the Workplace: The Role of Human Resources Management,” *Public Personnel Management*, 23(2), 1994, p. 291.

for efficiency, and serving the public with limited resources are normal activities of all Federal organizations that can place stress on employees. Such stressors are typical of high-performing organizations, and can focus attention on the public interest and drive organizations and employees to produce better results.

However, additional undue stress may be placed on employees by ill-conceived or poorly implemented human resources programs. These programs should be reviewed to determine if they are operating as efficiently as possible and whether managers are administering them in the ways intended.¹¹⁹ Some of the programs that merit such review include:

- Hiring
- Probationary period
- Employee development
- Performance evaluation
- Rewards
- Discipline
- Grievance procedures
- Employee assistance

Hiring. In addition to checking for previous incidents of workplace violence, it is vital that the hiring process results “in the hiring of individuals competent to perform job tasks... Hiring individuals mismatched for the job is an invitation to trouble. These individuals are more likely to find themselves stressed out... The potential for violent workplace responses in such a condition is enhanced.”¹²⁰

Probationary period. In many instances, the probationary period is not used as intended. Instead of being the final assessment hurdle in the hiring process, all too often probationers are converted to permanent appointments on a *pro forma* basis.¹²¹ “Diligence during this time frame by managers may prevent violent outbursts later on by employees who, for whatever reason, were poorly matched for their jobs.”¹²² For more information about the use of the probationary period in the Federal Government, see the MSPB report, *The Probationary Period: A Critical Assessment Opportunity*.

Employee development. Proper hiring systems can bring in qualified individuals, but well-coordinated training and development systems are needed to upgrade employee skills to meet the ever-changing nature of today’s jobs. Training systems that are inadequate to begin with, or those suffering budgetary cutbacks in hard economic times, may “increase the number of employees within the organization who are under prepared to perform the changing aspects of their jobs. This will create a highly stressful environment in the workplace, the kind of environment ripe for violent responses of frustration by insecure employees.”¹²³

¹¹⁹ Id.

¹²⁰ Id.

¹²¹ U.S. Merit Systems Protection Board, *The Probationary Period: A Critical Assessment Opportunity*, Washington, D.C., 2005.

¹²² Elliott and Jarrett, op. cit., p. 293.

¹²³ Id., p. 292.

Performance evaluation. “In an already tense workplace, the evaluation method used, how it is employed, and the way people learn about its results can produce paroxysms of shock and sorrow, anger, and rage.”¹²⁴ To navigate performance appraisals successfully, supervisors must be trained in proper evaluation and communication skills as well as on the specific tenets of the organization’s appraisal system. “The potential for high stress situations is always present when evaluation sessions are performed by untrained managers, or when attacks become person-directed, not behavior-directed.”¹²⁵

Rewards. In Federal organizations, rewards should be distributed based on merit. Human resources offices, managers, and supervisors are responsible for ensuring that reward systems minimize the effect of favoritism and political pressures. It may be impossible to convince each and every employee that equity exists, or that favoritism does not exist, within an organization’s reward system. Award systems should be reviewed to ensure they are transparent, and that awards are not given arbitrarily or based on favoritism. Such a review may alleviate the undue stress associated with programs that may already engender highly charged emotions.¹²⁶

Discipline. It is vital that organizations have a well-reasoned and progressive disciplinary program in place to deal effectively with problem behavior early on. These programs should, of course, be consistently applied throughout the organization. Employee discipline programs should always have the goal of maintaining appropriate standards of conduct and productivity in the workplace.¹²⁷

We note that a program of progressive discipline does not preclude an agency from timely and decisive action—including suspension or removal when the facts and circumstances warrant—in response to workplace violence and other serious misconduct. In situations where physical violence has occurred in the workplace or where there is a belief that the potential for violence exists, an agency may need to act immediately to protect the workplace. There are a number of administrative actions that can be taken to physically isolate the employee or temporarily bar him or her from the workplace to ensure the safety of other individuals while the potential danger is assessed or while the agency takes the necessary steps to impose discipline. Supervisors and other agency officials should always consult agency employee relations specialists and legal counsel when considering any such actions.¹²⁸

Grievance procedures. Employees must be apprised of their grievance rights and the process for filing a grievance. “It is important for employees to have an opportunity to vent

¹²⁴ Berman, Bowman, West, and Van Wart, op. cit., p. 303.

¹²⁵ Elliott and Jarrett, op. cit., p. 292.

¹²⁶ Id., p. 294.

¹²⁷ Id.

¹²⁸ U.S. Office of Personnel Management, op. cit., pp. 105-112.

their frustrations through established channels within the organization... The absence of such procedures, or the presence of procedures perceived to be biased on the side of management, leads to increasing stress rather than the successful ventilation of hostilities in a controlled arena.”¹²⁹

Employee assistance. Employee assistance programs (EAPs) provide counseling and referral services to Federal employees regarding problems that can adversely affect job performance, conduct, and dependability. The EAP’s role with respect to workplace violence should begin with agency planning efforts. “EAPs usually play an active role in early prevention efforts, sometimes participate on the incident response team, and generally assist with organizational recovery after an incident of workplace violence has occurred.”¹³⁰ Employees as well as supervisors should be well-acquainted with the availability of these services and know how to contact the EAP.

Mitigation of External Threats

Federal facility protection. Executive Order 12977 created the Interagency Security Committee (ISC) in 1995 to address continuing Governmentwide security for Federal facilities. Prior to this time, there were not any Governmentwide minimum physical security standards for nonmilitary Federally owned or leased facilities. Chief security officers and other senior executives from 51 Federal agencies and departments comprise the ISC. The ISC has developed standards to enhance the physical security of Federal facilities and the protection of civilian Federal employees.¹³¹

The ISC has also developed standards for the operation of Facility Security Committees (FSCs). In Federal facilities where there is a single tenant agency with funding authority, that agency is the decision maker for the facility’s security needs. In facilities that have two or more Federal tenants with funding authority, an FSC is established to make such decisions. Each Federal tenant that pays rent in the facility has a weighted vote on the FSC according to the number of agency occupants and the rentable square footage of assigned space for each Federal tenant.¹³²

The Federal Protective Service (FPS) within the U.S. Department of Homeland Security is the primary Federal entity responsible for protecting civilian Federal facilities, the more than one million civilian Federal employees who work in those facilities, and the members of the public who visit those facilities every day. FPS personnel patrol Federal building perimeters, dispatch law enforcement officers, and conduct criminal investigations. They

¹²⁹ Elliott and Jarrett, op. cit., pp. 293-294.

¹³⁰ U.S. Office of Personnel Management, op. cit., p. 113.

¹³¹ See ISC website at www.dhs.gov/files/committees/gc_1194539370126.shtm.

¹³² U.S. Department of Homeland Security, *Facility Security Committees: An Interagency Security Committee Standard*, January 1, 2012, pp. 1-5.

also provide building-specific services such as controlling access to entrances and exits and checking employees and visitors.¹³³ Contracted security guards may also provide these services.

The FPS also performs facility security assessments which assess vulnerabilities for each facility, identify credible threats, and determine the likely consequences to the facilities, employees, and the public associated with those threats. These assessments recommend measures that Federal tenant agencies can take to counter the identified threats.¹³⁴

Procedures, responsibilities, and requirements relating to the physical security of Federal organizations are dependent on (and may be complicated by) a number of factors. First and foremost among these factors is whether the organization resides in space controlled by the U.S. General Services Administration or whether the space is leased from a private entity. If Federal organizations share space with private tenants, difficulties may arise in instituting security measures that relate solely to the Federal tenant. Among other factors that may complicate the protection of Federal employees are the historical nature of many facilities, employee resistance to heightened security measures, the location of the facility, and dealing with local governments.¹³⁵

Physical security efforts. The U.S. Government Accountability Office has identified key facility protection practices that provide a framework for guiding Federal agencies' physical security efforts. These practices include:

- Sharing information and coordinating with other government entities and the private sector to prevent and respond to security threats;
- Identifying threats, assessing vulnerabilities, identifying critical assets to protect, and evaluating mitigation alternatives for costs and effects on risk;
- Realigning real property assets to reduce the resources used to secure and maintain excess and underutilized property, thereby freeing resources to protect and maintain critical property;
- Managing human capital strategically to ensure agencies are able to recruit and retain high-performing security staff;
- Leveraging technology in a cost-effective manner to supplement other countermeasures; and

¹³³ U.S. Government Accountability Office, *New Federal Standards Hold Promise, But Could Be Strengthened to Better Protect Leased Space*, September 2010, GAO-10-873, p. 6.

¹³⁴ U.S. Government Accountability Office, *Preliminary Results on Efforts to Assess Facility Risks and Oversee Contract Guards*, July 2012, GAO-12-943T, p. 1.

¹³⁵ U.S. General Accounting Office, *Security Responsibilities for Federally Owned and Leased Facilities*, October 2002, GAO-03-8, pp. 29-30.

- Evaluating physical security efforts against broader program goals to ensure they are accomplished on time and within budgetary constraints.¹³⁶

Although many Federal organizations have already implemented physical security measures, their focus may have been solely to prevent outsiders from gaining access to the organization's facilities. This should, of course, be an important consideration, but an organization's security measures should also be reviewed "with special attention to the potential of violent behavior on the part of former employees, current employees, or other individuals who may carry domestic violence into the workplace."¹³⁷

Organizations should consider whether it is appropriate to screen populations other than their employees prior to giving them access to their facilities. These populations include contractors and vendors who routinely enter the workplace but who cannot always be physically escorted or easily segregated from employees.¹³⁸ In a broader sense, organizations should also set minimum standards for "any person who has access to the organization's employees, facilities, or other assets regardless of whether he or she is an employee."¹³⁹

Workplace Violence Prevention Program Evaluation

Agency and organizational planners should periodically evaluate their workplace violence programs. Such evaluations should include:

- A regular review of the reports of harassment, bullying, threats, and other inappropriate behavior;
- An analysis of the frequency and severity of workplace violence to determine if the prevention program is having an effect;
- An analysis of the trends in violence-related injuries, lost work time, etc.; and
- An effort to keep current with new strategies for dealing with workplace violence.¹⁴⁰

Employee surveys can be an important tool in evaluating workplace violence programs and policies. Through such surveys, organizations can elicit employee views on the occurrence of workplace violence, as well as their ideas on how to improve the organization's security measures. Surveys can be administered periodically, when there is a significant change

¹³⁶ U.S. Government Accountability Office, 2010, op. cit. p. 8. See also U.S. Government Accountability Office, *Further Actions Needed to Coordinate Federal Agencies' Facility Protection Efforts and Promote Key Practices*, November 2004, GAO-05-49.

¹³⁷ Kerr, op. cit., p. 59.

¹³⁸ Id., p. 32.

¹³⁹ Id., p. 152.

¹⁴⁰ Federal Bureau of Investigation, op. cit., p. 28.

in the organization's operations, or after an incident of workplace violence. Responses to surveys can help the organization identify new risk factors, as well as the organizational locations, occupations, or work situations where the risk of workplace violence appears highest.¹⁴¹ Alternatively, organizations may wish to collect data regarding each incident of workplace violence as it occurs for future analysis.

Based on the data collected, Federal organizational leaders can make informed decisions regarding the appropriate steps to take to combat violence in their disparate organizations. In addition to determining the incidence of workplace violence, the nature of the violence, and who the perpetrators are, agencies (as well as future workplace violence researchers) may wish to consider collecting data that explore the following issues:

- Do employees who perpetrate workplace violence typically have more or less organizational power than their victims?
- Are employees who perpetrate workplace violence typically longer tenured, the same or a different gender, younger or older than their victims?
- Are employees who perpetrate workplace violence poor performers or outstanding performers? Are victims of workplace violence better or worse performers than perpetrators?
- Are there discrete events that may spark incidents of workplace violence, such as reorganizations, performance discussions, or reductions-in-force?
- What were the consequences of violent episodes beyond initial injury or property damage—such as lost days of employee work or reduced organizational productivity?
- Do Federal employees who witness workplace violence report the violence? If so, to whom? If not, why not?

Agencies may also find it helpful to compare their rates of workplace violence to other Federal, State and local, or private sector organizations with similar missions, occupations, or locations. Such an analysis can help agencies determine whether their workplace violence programs are as effective as they could be.

The length and breadth of this discussion of possible agency actions to help prevent workplace violence should not intimidate supervisors. Supervisors are certainly not alone in preventing and responding to workplace violence—people throughout the organization share that responsibility. Supervisors do not need to be experts on violent behavior in the workplace, but they must possess a basic understanding of the issues involved and have a willingness to seek advice from experts.¹⁴² This understanding presupposes that supervisors

¹⁴¹ Id., p. 22.

¹⁴² U.S. Office of Personnel Management, op. cit., p. 20.

operate from the premise, “Yes, it can happen here.”¹⁴³ As with most management systems, effective workplace violence programs depend more on the people who operate the system than on what is written on paper about the system. Open communication, consistent application of agency policies, and the courage to take action on the part of supervisors and others is oftentimes the difference between effective and ineffective programs.¹⁴⁴

¹⁴³ Kerr, op. cit., p. 5.

¹⁴⁴ Baron, op. cit., pp. 63-64.

CONCLUSIONS AND RECOMMENDATIONS

Throughout this report we have alluded to a number of challenges that organizations face when dealing specifically with workplace violence perpetrated by current or former employees. This chapter summarizes the challenges inherent in developing Federal workplace violence prevention programs, and offers recommendations on how these challenges may be overcome.

Conclusions

Workplace violence can happen in any organization at any time—it occurs in large businesses and “mom and pop” operations; it happens in large cities and in small towns. Perpetrators of workplace violence can range from strangers to troubled employees to model employees. One purpose of this report is to assist in dispelling the dangerous perception that “it can’t happen here.”¹⁴⁵ If organizational leaders believe that violence cannot occur in their workplace, or that the stronger threat comes from external sources, they are placing their employees at risk.¹⁴⁶

Such notions can be the outcome of an organizational culture where the threat of workplace violence is not taken seriously. The culture of an organization may actually encourage confrontational, aggressive, or violent behaviors. Some organizational cultures may inhibit open communication, which may have the effect of stifling employee reports of aggressive or violent behavior. Others may give employees reason to believe that nothing will be done to address their concerns if they are raised.

Preventing and responding to incidents of workplace violence requires a coordinated effort across the entire organization and at all levels of organizational leadership. Workplace violence prevention efforts may be less than effective if the organization and its leaders are unable to produce this level of coordination. One way this coordination may suffer is through the continued outsourcing of the human resources function. The servicing human resources function is frequently off site, outsourced, or remote. This may result in supervisors making more decisions about discipline without the benefit of consultation with human resources staff than ever before.¹⁴⁷

¹⁴⁵ Id., p. 22.

¹⁴⁶ Kerr, op. cit., p. 4.

¹⁴⁷ Id., p. 8.

CONCLUSIONS AND RECOMMENDATIONS

The Federal workplace encompasses a dizzying array of organizational missions, occupations, and work locations. As with many management programs, one size does not fit all with respect to preventing workplace violence. Even within the same larger organization, the components of workplace violence programs may be wholly different based on the mission, the occupational mix, or the physical location of the work being performed.

Without specific data regarding the rate and types of violence that exist in their organizations, Federal decision makers are unable to most effectively develop workplace violence prevention programs. Agencies may find that collecting such information, as well as data that provides a more informed understanding of the relationship between perpetrators of workplace violence and their victims, may assist them in better targeting their workplace violence prevention efforts.

Poorly planned human resources programs, as well as supervisors who are poorly prepared to administer such programs, can contribute additional workplace stress that may increase the likelihood of workplace violence. Human resources staff who are poorly trained or who are unavailable to assist managers in dealing with employee conflict or discipline may also contribute to a work environment that may be more likely to experience workplace violence.

Recommendations

Federal agencies should:

- Establish formal workplace violence programs that outline organizational responsibilities with respect to preventing workplace violence and responding to it when it does occur. These programs should address the threats posed by all four types of workplace violence perpetrators.
- Ensure that disparate organizations within their agencies are ready and able to work together to prevent workplace violence and to respond effectively to violent episodes when they do occur.
- Collect data on the prevalence and nature of violence in their organizations to inform the development of effective workplace violence prevention programs. Data should include and distinguish between overt physical violence and threats, harassment, intimidation, and bullying. Based on this data, Federal organizational leaders can develop informed workplace violence prevention programs.

Targeted data may include such things as the demographic and organizational relationship that perpetrators have to their victims (for example, male/female, supervisory/non-supervisory, etc.), whether there are discrete events that spark violence in the Federal workplace, and the specific consequences of workplace violence to individual victims as well as to the organization.

- Allow organizational leaders to base workplace violence prevention efforts and response plans on specific local needs. In turn, organizational leaders should determine what specific prevention and response efforts their geographic location, mission, occupational mix, and customer base require.
- Bring together managers, supervisors, and human resources officials to specifically address the internal threat of workplace violence by:
 - o Fostering organizational cultures that value openness, are receptive to new ideas, and treat employees with dignity and respect. Such cultures have no tolerance for threatening behaviors, hostility, or outright violence. Employees should be encouraged to report any violent behavior and these reports should be taken seriously and acted upon by organizational leaders.
 - o Taking care to conduct the appropriate screening of applicants for employment to determine if these individuals have a history of violent behavior.
 - o Providing workplace violence training to all of their employees, including topics such as the organization's policies, programs, and procedures relating to violence in the workplace; the availability of employee assistance programs; how to report an incident of workplace violence; and the warning signs of violent behaviors and what to do if those warning signs are observed.
 - o Training all employees as to what constitutes acceptable behavior within the organization; highlighted, of course, by the notion that threatening, harassing, intimidating, or bullying their co-workers will not be tolerated.
 - o Providing resources to supervisors to familiarize them with conflict resolution and how to access internal and external resources for assistance in dealing with the warning signs of workplace violence, incidents of workplace violence, and the aftermath of an incident. Supervisory training should also include the consistent and effective application of employee discipline, which may be especially important in organizations where no human resources representatives are co-located.
 - o Resolving workplace conflicts before they escalate into violent incidents. The first signs of hostility, threats, intimidation, etc., should be dealt with effectively and consistently by supervisors in accordance with their organization's workplace violence and disciplinary procedures. Dealing effectively with these situations creates a more productive workplace, can act as a deterrent to employees contemplating these types of acts, and demonstrates that there are consequences for such actions.¹⁴⁸

¹⁴⁸ U.S. Office of Personnel Management, op. cit., pp. 2-3.

CONCLUSIONS AND RECOMMENDATIONS

- o Monitoring agency human resources programs as well as supervisors' administration of these programs to ensure they are operating as intended and are not unduly adding to the level of stress already present in the Federal workplace. These officials should also ensure that supervisors are trained on the effective use of human resources programs.

Federal employees should:

- Be aware of and adhere to their organization's workplace violence policies. Employees should know how to report a violent incident, and they should report any threatening or violent behavior by coworkers or any other individual in the workplace.¹⁴⁹

Each of these recommendations is intended to strengthen the management of Federal employees in accordance with the merit system principles. Improvements in Federal workplace violence prevention programs may result in a more efficient and effective Federal workforce. Appropriate training of employees with respect to workplace violence issues and of supervisors with respect to fostering healthy organizational cultures should result in better organization and individual performance. Shining a light on workplace violence specifically perpetrated by Federal employees and focusing on its mitigation may improve the conduct of the workforce. Finally, periodic agency reviews of human resources programs to ensure they are operating as intended may help ensure that the management of Federal personnel is based on and embodies the merit system principles as required by 5 U.S.C. § 2301(c).

¹⁴⁹ Federal Bureau of Investigation, op. cit., p. 15.

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