

Employers Need to Develop an Action Plan to Deal With Workplace Violence

If the recent and tragic shootings at an office holiday party in [San Bernardino, California](#), and at a lawn care company in [Kansas](#) have taught us anything, it is that these unfortunate incidents of workplace violence are becoming more and more commonplace. In addition to the devastating human cost of these tragedies, workplace violence can also bring significant liability for employers.

According to the Occupational Safety and Health Administration, workplace violence is responsible for \$55 million in lost wages each year. When the cost of lost productivity, legal expenses, property damage, diminished public image, and increased security are factored in, workplace violence costs the American workforce approximately \$36 billion dollars per year.

Among other sources of potential liability, employers may be cited by OSHA for violating the “General Duty Clause” of the OSH Act, which requires employers to maintain workplaces free from “recognized hazards” that are likely to cause death or serious physical harm to employees. OSHA has previously published guidance citing certain types of workplace violence as recognized hazards for “heightened-risk industries,” which include healthcare and social services, late-night retail establishments, and taxi and for-hire drivers. But an employer in any industry may be considered to have a recognized hazard of workplace violence based on factors like previous incidents, employee complaints, injury and illness data, prior corrective actions, and its own safety rules and policies.

Last month, Bond attorneys presented a [breakfast briefing](#) on workplace violence at 12 locations across the state, providing guidance on developing an action plan to address workplace violence, identifying the potentially violent employee, and best practices for responding to an incident of violence in the workplace. To avoid liability and prevent the unthinkable, employers should start taking steps to develop a workplace violence prevention program.

If you have any questions about this Information Memo, please contact [Katherine Ritts Schafer](#), any of the [attorneys](#) in our [Occupational Safety and Health Law Practice](#), or the attorney in the firm with whom you are regularly in contact.



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