

WINNING WORKPLACES:

Safety First: A Conversation with Stephen Doherty of Doherty Partners LLC

Stephen Doherty served for 12 years as chief of the Wakefield, Mass. police department. Upon retirement in 2003, he founded Doherty Partners LLC, a firm that provides critical incident prevention services. Doherty is a nationally recognized authority on workplace violence that has appeared on 60 Minutes, CNN and NBC's The Today Show. He recently completed the study, "Workplace Violence: Wakefield Responds" (<http://www.winningworkplaces.org/library/research/workplaceviolencereport.pdf>) in conjunction with Northeastern University. In this interview, he discusses the study and how small to midsized employers can address violence in the workplace.

Your study mentions defining workplace violence as one of the key challenges in preventing workplace violence. Could you talk a little about that?

Supervisors and subordinates not only perceive workplace violence differently, but the survey results indicated that workplace violence in one industry may not be perceived in the same manner as workplace violence in another. This is a critical finding because this is what should drive our development of strategies and training for early intervention. There is no one-size-fits-all definition for workplace violence. What's considered workplace violence in a board of directors meeting of a Fortune 100 company is not what's considered workplace violence on the loading dock of a trucking firm. What is threatening to one group may be considered tolerable for another. Training, strategies and policy development have to be crafted with that in mind.

Obviously, physical assault is a crime and violates all the rules. But what we looked at are the behaviors and warning signs that can, not necessarily will or must, lead to escalation – bullying, intimidation, threatening, harassment, etc. These are the early indicators; these are the real opportunities for prevention. If you wait until a crime has been committed, you've lost.

What were some of the key findings of the study?

The second key finding was that there is a need for greater clarity and communication from management on this issue. Many employees indicated that they didn't know of any training on workplace violence and reporting. There was no established channel or process for early reporting. Report the lesser events, because those are your best opportunities for prevention. Record the harassing, the intimidation, and the minor vandalism. Those are the kinds of threatening behaviors that can escalate. Most employees indicated that they had no idea what the outcomes would be for reporting. This uncertainty is a classic example of a crying need for clarity and communication from management.

You have to clearly spell out how these issues will be dealt with. Employees may put up with countless incidents, because they didn't want the offender to lose his or her job. Take "zero tolerance" policies,

for example. If you don't tell employees what "zero tolerance" means, it will diminish reporting; it will do the exact opposite of what you want it to do.

How would you recommend a zero-tolerance policy be implemented?

Zero tolerance is a catch phrase from the war on drugs. Saying those words are fine, but don't say them in isolation, because it suggests termination, which can inhibit early reporting. If you say zero tolerance, you need to explain and give some clarity about outcomes. It is better to say that zero tolerance means every violation of your workplace violence policy will be investigated. It does not mean that the person will be terminated; it means that it will be investigated and sanctions appropriate to the offense and consistent with the employee's history will be undertaken. With those three things you're saying: We don't tolerate it; we want you to report it; and we are going to make a decision based on the facts and their severity.

The police and military use a system termed progressive discipline and it asks the following questions: What's the offense? Has it been done before? And is this offense more egregious to the victim than the last one? The penalty for each offense gets substantially greater. Management has to be fearful because they don't want to make a guarantee or suggest that people can't be fired for a first offense. If a crime is committed and someone brings a firearm or commits a physical assault, that obviously falls into everyone's definition of workplace violence. All policies have to be carefully crafted. And they need to be effectively communicated. If you have a policy and no training, you have not established an affirmative defense.

Where can the small or midsize business owner or HR person go to get this type of training?

They can get generalized training concepts from the FBI which just published a monograph called "Workplace Violence: Issues and Response." The National Institute of Occupational Safety and Health (NIOSH) just held a conference last November in Baltimore. The summary of those proceedings are going to be published shortly. The Occupational Safety and Health Administration (OSHA) have guidelines for workplace violence on their Web site www.osha.gov. These are huge agencies with big budgets, and they do tremendous research. You can't, however, just take it out of a book, put it on your stationary, and say this is my policy. If you don't train your employees, and they don't understand it, you will stifle reporting.

Would you recommend listing a specific set of behaviors that would not be tolerated or should be reported?

My suggestion would be to ask a cross section of your workforce if they are in fear at work and what makes them afraid. As I mentioned before, there is no one-size-fits-all policy. If you're doing it for a homogeneous group as in an office environment, you can go in and ask a group of employees what makes them feel afraid at work: is it shouting, is it intimidation, is it staring at people, is it pushing and shoving, is it actual physical touching. Your policy should define what is prohibited, and you should train employees on what will not be tolerated. If you have a high turnover rate, training should be an ongoing process. A lot of companies give employees a policy manual, they sign for it, and the employee throws it in their locker and that's the end of it. New case law comes out every day and sadly new victimizations takes place every day. This is an evolving process.

You have said that employees of small to midsize companies increasingly perceive their work environment as hostile. Has the research illuminated any possible causes for this growing perception?

“Hostile work environment” is the term du jour. Up until four to five months ago, most claims have been related to sexual harassment. Now it often relates to incidences where bullying, harassment, and intimidation have been reported, and nothing has been done about it. The term has moved out of the arena of sexual harassment and into the realm of workplace violence.

How do concerns about a hostile work environment impact the small to midsize business?

If your employees are concerned about their safety, you suffer lost productivity, increased absenteeism, and the risk of litigation. The average work law settlement is \$300,000. For a small business owner, that’s money going out the window.

What steps can a small to midsize employer take to create a more secure work environment? You mentioned reporting, is there anything that should be done in conjunction with law enforcement?

The inside measures to protect a small company and make a more secure work environment begin at the threshold. They begin with the hiring stage. They begin when a company goes from being one person to two people. There’s a wealth of information on the importance of hiring, screening, and the background check process. If an employer is in denial and someone is hired without doing a background check, you don’t know who is coming through your door. Millions of dollars can be spent on security, but if it’s an employee, they’re already on the inside. No matter how good your security system is, your employees have to be able to go through it to go to work. You’re asking for increased risk and liability, and your threat assessment of what these behaviors in the workplace are becomes much more difficult if you don’t have an understanding of who you are hiring.

– *Corporate Alliance to End Partner Violence, March 1, 2005*