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**Dealing with the Aftermath of Workplace Violence**

*March 23, 2017 - James Olney, JD, Associated Benefits and Risk Consulting*

In public speaking, and, to a lesser degree, in article writing, the advice is to always open with a joke.

And, indeed, I’ve amused myself frequently at the start of many of my other articles.

However, today I’m writing about dealing with the aftermath of workplace violence, which, kind of like making jokes at a funeral, doesn’t lend itself well to humor. Instead, let’s start with a not-so-hypothetical hypothetical:

The aggrieved ex-spouse of an employee is convinced she’s having an affair with a coworker, shows up to your workplace with a gun, shoots the coworker, locks himself in a room with his ex, and eventually kills her and himself after several hours of negotiating with the police.

One of the unforeseen problems with that scenario is that the world does not come to a standstill while you are in shock or are grieving. Instead, there are number of legal and practical things that you must do almost immediately.

*No rest for the weary*

With two employees killed in your workplace, haven’t you suffered enough? OSHA doesn’t think so. Indeed, OSHA requires that you formally notify them within 8 hours — let me repeat that: 8 hours — from the time you learn an employee has died in connection with work.

As you’ve been busy evacuating the building, trying to account for everybody, dealing with the authorities, and just generally being in shock, the last thing you’re probably thinking is, “Gee, I had best make sure to have a chat with the good people at OSHA about all this hullabaloo.”

However, the OSHA notification timeclock is ticking, and failure to provide formal notice of the deaths can lead to penalties as high as $5,000-$7,000 dollars per unreported death. Here’s what the regulations require you to include in your report:

What information do I need to give to OSHA about the fatality, in-patient hospitalization, amputation, or loss of an eye? You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

* The establishment name;
* The location of the work-related incident;
* The time of the work-related incident;
* The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
* The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of
* an eye;
* The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss
* of an eye;
* Your contact person and his or her phone number; and
* A brief description of the work-related incident.

While that may not be the most complex information you have to report all year, it will almost certainly be the most difficult, given the circumstances, and if you aren’t aware that you even have a reporting obligation in the first place, you can easily get in trouble.

*Planning, planning and more planning*

In my previous article on workplace violence, I suggested that the key to deterring or minimizing the risk of potential violence is planning. Not surprisingly, planning is also the key to making sure that you properly and effectively respond to and recover from incidents of workplace violence.

This is particularly true in the critical hours and days immediately following an incident, since the chaos and emotions of the moment will make it very difficult to think or act responsibly. Therefore, it’s crucial that you have a plan in place for how to respond when violence strikes, since you’ll definitely need a roadmap, if the time ever comes.

*Response plan checklist*

While it’s impossible to list all of the things you may need to do by way of responding to an act of violence in the workplace, the following checklist covers a number of post-incident issues that you may want to include in your response plan.

*Incident response plan components*

* Having someone act as designated response coordinator
* Evacuating area/building
* Accounting for all evacuated employees, patients, clients, and visitors
* Contacting external emergency responders
* Engaging internal emergency responders
* Designating someone to act as the liaison with emergency responders
* Having necessary emergency response information available (e.g., floor plans, current employee
* lists and contact information, surveillance camera access, etc.)
* Shutting down or managing critical systems, patients, or clients
* Notifying families / emergency contacts of those who have been hurt or killed
* Notifying OSHA within 8 hours of the occurrence of reportable events
* Notifying workers’ compensation and liability insurance carriers of potential claims
* Contacting life insurance, short-term disability, and other related employee benefits resources
* Contacting Employee Assistance Program or other similar resource for assistance
* Ensuring scene preservation for litigation and insurance claims investigation purposes
* Facilitating and managing various post-incident investigations (including OSHA, insurance,
* litigation, etc.)
* Communicating frequently with impacted employees during business shut-down period
* Coordinating clean-up of incident site
* Repairing and possibly remodeling incident site to make site functional again, reduce reentry
* trauma for returning employees, and minimize future risks
* Coordinating grief counsellors through Employee Assistance Program or other similar resources
* Developing reentry plan for impacted employees
* Communicating frequently with impacted employees during reentry period
* Making sure basic HR functions continue to be performed (e.g., payroll, insurance premium
* payments, final paychecks for the deceased, FMLA and other leave management, etc.)
* Reaching out to customers, clients, vendors, etc.
* Dealing with the media and controlling the message in a way that’s respectful of the injured /
* deceased, while still reflecting well on the organization
* Monitoring social media for a set post-incident period (both employee and third-party postings)
* Replacing lost team members (whether those who were killed, or those who won’t or can’t return
* to the workplace)
* Conducting formal post-incident analysis of the incident, and whether new protocols or
* procedures can be developed to minimize future risk
* Providing any necessary employee training for minimizing and responding to future incidents

*Conclusion*

In times of crisis, structure and pre-planning can make all the difference. For Hotline clients, feel free to reach out to the Hotline with any questions you may have about your workplace preparedness. And, for anyone reading this article, keep an eye out for our fall webinar schedule, as I’ll be presenting webinar on both preparing for, and responding to, violence in the workplace. As always, contact us with your questions.

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