

Workplace Violence Litigation Threatens to Cripple Hispanic Business

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SAN FRANCISCO, March 15 /PRNewswire/ -- The Occupational Safety and Health Administration has estimated that each year 2 million American workers are victims of workplace violence, ranging from threats and verbal abuse to physical assaults and homicide.

Every business in America is affected by these staggering numbers, and must take steps to lower them, according to Epstein Becker & Green, P.C., an employment law firm that specializes in labor and employment issues.

The profile of an employee prone to engage in violence is a male, 35 years or older, who already has a history of job turnover and violence. He often thinks his employer has not treated him fairly, and he typically refuses counseling through the employee assistance program. Danger signals include references to firearms, references to incidents of violence, alcohol or drug abuse, mood swings, shifts in productivity, and poor workplace relationships.

"To avoid exposure to liability, employers can screen for unfit employees by engaging in thorough reference and background checks," said Ronald J. Souza, an attorney with Epstein Becker & Green. "However, employers must observe applicable federal, state and local laws regarding the type of information they can gather so as to avoid suits for discriminatory hiring practices."

OSHA has recommended the following items for proofing against the environmental conditions that lead to workplace related death or injury:

-- Employers should establish a zero-tolerance policy toward workplace violence against or by their employees. That means that if a serious incident occurs, one or more participants should be terminated. -- Companies should provide training so employees know what conduct is not acceptable, how to protect themselves, and what to do if they are victims. -- Where appropriate, adequate security measures should be implemented: Employers should secure the workplace, using photo identification badges, video surveillance, lighting, alarms, badges, and certified security personnel. -- Drop safes should be used to limit the amount of cash on hand. -- Appropriate field staff should be given cellular phones and hand-held alarms.

According to Epstein Becker & Green, there has been a dramatic increase in the number of lawsuits brought recently against employers for the negligent hiring of employees who have engaged in criminal, violent, or other wrongful acts, including those that occur during non-working time.

Even though the temptation to go overboard is strong, companies should also be careful to respect employees' rights when implementing safety procedures. They should not monitor telephone calls or use hidden cameras where employees have a reasonable expectation of privacy. Conversely, employers should avoid misrepresenting former employees as being safe/harmless, where they are not.

"By eliminating careless hiring practices, knowing potential risks, and managing employee stress levels, a company has gone a long way in avoiding workplace violence, and allegations of lax security procedures," said Souza.

Epstein Becker & Green, P.C. is a general practice law firm with more than 350 attorneys practicing in eleven offices throughout the U.S. -- Atlanta, Chicago, Dallas, Houston, Los Angeles, Miami, New York, Newark, San Francisco, Stamford, and Washington, D.C. -- and affiliations worldwide.

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