CHAPTER

4

Workplace Violence, Harassment, and Victimization

LEARNING OBJECTIVES

After studying this chapter, you will:

• Recognize the sources of and reasons for workplace violence.
• Be familiar with research on workplace violence.
• Recognize the warning signs and attributes of people prone to violence or harassment.
• Understand how a business can be legally responsible for acts of violence committed on its premises.
• Understand the recommended strategies for controlling violence in the workplace.
• Understand the role of employee assistance programs in recognizing and targeting violence.
• Become familiar with legislation initiated by some jurisdictions for addressing violence in the workplace.

INTRODUCTION

The workplace killer is typically a 37-year-old single man who worked at the company at least four years. The shooting is generally prompted by personal problems in life and at work, and often follows a firing or on-the-job altercation. The shootings are not random...most workplace killers harbor grudges and target certain co-workers and bosses.

—USA Today, July 14, 2004

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The number of violent acts by intruders and employees at various workplaces has been increasing. The violence resulting in the death or physical injury of an employee or business invitee is called workplace violence. It is often the result of the offender’s anger or perceived injustice committed by management or other coworkers.

The definition of workplace violence should also include psychological abuse at a workplace because such activities can lead to stress or physical abuse. This chapter addresses the dynamics of workplace violence. Theories on and reasons for workplace violence are discussed to enable the reader to recognize and respond to signs before violence occurs. The chapter concludes with suggested strategies that businesses can take to reduce the threat of victimization.

According to the U.S. Department of Labor, a total of 5,559 fatal work injuries were recorded in the United States in 2003, an increase from the 5,534 fatal work injuries reported for 2002. The number of workplace homicides was higher in 2003—the first increase since 2000. Despite the higher total, the 631 workplace homicides recorded in 2003 represented a 42 percent decline from the high of 1,080 workplace homicides recorded in 1994. Workplace suicides also were higher in 2003.

In 1997 in California, 636 workers died on the job, with more than 20 percent of those deaths resulting from homicide (Metcalfe, 1999). The Centers for Disease Control and Prevention reports that several thousand women die annually in the United States as a result of homicide. In other words, homicide accounts for 40 percent of all workplace death among women (Center for Disease Control, 2005).

Overview of Violence in the Workplace

One of the earliest reported cases of workplace violence occurred in 1917 when a disgruntled patrol officer killed a New Orleans police chief and a police captain. The officer was upset over being terminated from the force for excessive absences. He requested reinstatement, which the chief granted, but just prior to the hearing, the officer burst into the chief’s office and shot him repeatedly. The officer had a history of mental illness (Workplace Violence Prevention Institute, 1994: 2).

The first major study of workplace violence and crime was conducted in 1980. The study of business robberies was supported by the Southland Corporation, which was trying to curb robberies at its convenience stores. After that study, little additional research on the topic was completed until 1987, when health care administration journals released a number of articles on the subject. A serious academic interest is reflected in the 1988
Gainesville, Florida, study that addressed convenience store robberies. The study resulted in improvement in the security of these stores in an attempt to limit the exposure of workers to late-night robberies (Workplace Violence Prevention Institute, 1994: 8).

A comprehensive study of fear and violence in the workplace was conducted by Northwestern National Life Insurance Company (1993). Some of the study’s key findings were as follows:

- Violence and harassment affect the health and productivity of workers.
- A strong relationship exists between job stress and workplace harassment and violence.
- Harassers are usually coworkers or bosses; attackers are more likely to be customers.
- Improved interpersonal relations and effective preventive programs can result in lower levels of violence.

By 1990, several studies by the National Institute for Occupational Safety and Health (NIOSH) began to appear in the literature (Richardson, 1993). These studies examined death certificates to determine the location and cause of death of people on the job. The data revealed that the leading cause of work-related death was homicide. Most of the victims were women working in retail trades, and most died during robberies.

A survey of 479 human resource managers completed by the Society of Human Resource Management provided additional information on workplace violence (Harrington and Gai, 1996). The survey focused on violence in general. It reported that 33 percent of the human resource managers had experienced at least one violent incident in the workplace. In more than 54 percent of the cases, another employee attacked the victims. Males committed 80 percent of the violent acts. The most common reasons cited for the violence were personality conflicts between those persons involved and marital or family problems of the offender. More than 60 percent of the incidents resulted in serious harm or the need for medical intervention.

Of selected occupations examined from 1993 to 1999, not surprisingly police officers were most likely to be victims of workplace violence. Correctional officers, taxicab drivers, private security workers, and bartenders were also vulnerable. Between 1993 and 1999, police officers were victims of nonfatal violent crimes while they were working or on duty at a rate of 261 per 1,000 officers. A listing of the likely occupations of victims of nonfatal violence is presented in Table 4–1.

In 1995, the University of Southern California Center for Crisis Management (CCM), with the financial support of the International Facility
Management Association, Pepsi-Cola, Taco Bell, and Pizza Hut, initiated a research project to better understand the phenomenon of workplace violence (Harrington and Gai, 1996: 2). A questionnaire was mailed to 1,500 corporate human resource managers and security directors. The intent of the research was to measure the scope of workplace violence, explore the association between violence and the type of organization, and identify management practices for responding to violence.

The research provided some interesting findings. More than 43 percent of the respondents reported having experienced incidents of violence in the previous 3 years. The most common incidents were threatening phone calls, bomb threats, and fights between employees. One disturbing finding of the study was that 64 percent of the respondents reported having no training programs to help them address workplace violence. Harrington and Gai (1996) indicate, however, that businesses with employee assistance programs (EAPs) that address topics such as outplacement, grievances, and harassment experienced fewer acts of workplace violence.

In a report on violence in the workplace between 1993 and 1999, the following are some of the major findings of workplace violence (U.S. Department of Justice, 2001):

• Each year between 1993 and 1999, more than 2 million U.S. residents were victims of a violent crime while they were at work or on duty.
• More than 1,900 workplace homicides occurred annually.
• The most common type of workplace victimization was simple assault, with an estimated 1.4 million occurring each year. U.S. residents also suffered 51,000 rapes and sexual assaults and approximately 84,000 robberies while they were at work.
• Annually, more than 230,000 police officers were victims of a nonfatal violent crime while they were on duty.

### Table 4–1

**OCCUPATIONS WITH THE HIGHEST NUMBERS OF HOMICIDES**

<table>
<thead>
<tr>
<th>Occupation of Victim</th>
<th>Average Annual Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales</td>
<td>327</td>
</tr>
<tr>
<td>Executive/manager</td>
<td>154</td>
</tr>
<tr>
<td>Law enforcement</td>
<td>69</td>
</tr>
<tr>
<td>Security guard</td>
<td>60</td>
</tr>
<tr>
<td>Taxi driver/chauffeur</td>
<td>74</td>
</tr>
<tr>
<td>Truck driver</td>
<td>25</td>
</tr>
</tbody>
</table>

*Note: Based on 1993 and 1995–1996.*

Workplace Violence, Harassment, and Victimization

- About 40 percent of victims of nonfatal violence in the workplace reported that they knew their offenders.
- Women were more likely than men to be victimized by someone they knew.
- Approximately 12 percent of the nonfatal violent workplace crimes resulted in an injury to the victim. Of those injured, about half received medical treatment.
- Intimates (current and former spouses, boyfriends, and girlfriends) were identified by the victims as the perpetrators of about 1 percent of all workplace violent crime.

No one particular business type is prone to violence; however, information gathered from the National Crime Victimization Survey (NCVS) indicates that government employees are most prone to violent victimization, such as shootings. The organizations most likely to be victimized by workplace violence are government organizations and agencies at the local, state, and federal levels. Post offices have the worst experience, with more than 40 postal employees murdered on the job since 1986. The U.S. Department of Labor reports that between 1993 and 1999, most victimizations were by strangers or casual acquaintances (see Table 4–2).

Although violence seems to occur in certain workplace environments more than in others, it can happen in any occupational setting. As on the streets or in public areas, no workplace is safe from a predatory attack by a determined offender. Workplace crime has been in part attributed to disgruntled current or former employees and domestic disputes involving

### Table 4–2 Annual Workplace Homicide by Victim–Offender Relationship, 1993–1999

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Average Annual Number</th>
<th>Percentage of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work association</td>
<td>899</td>
<td>100</td>
</tr>
<tr>
<td>Stranger</td>
<td>753</td>
<td>84</td>
</tr>
<tr>
<td>Work associate</td>
<td>103</td>
<td>11</td>
</tr>
<tr>
<td>Coworker, former coworker</td>
<td>67</td>
<td>7</td>
</tr>
<tr>
<td>Customer, client</td>
<td>36</td>
<td>4</td>
</tr>
<tr>
<td>Intimate</td>
<td>28</td>
<td>3</td>
</tr>
<tr>
<td>Husband</td>
<td>17</td>
<td>2</td>
</tr>
<tr>
<td>Wife</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boyfriend</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Other relative</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Other acquaintance</td>
<td>9</td>
<td>1</td>
</tr>
</tbody>
</table>

intimates. The following example indicates that no place or occupation is immune from violence.

On April 25, 1996, a 32-year-old firefighter shot his wife in the head and then proceeded, armed with several weapons, to a firehouse. Using an assault rifle, he shot six coworkers, all supervisors, killing four of them and wounding the other two. He then fled the scene and led the police on a wild chase for 10 miles. At the end of the chase, he exchanged gunfire with a police officer, whom he wounded, before shooting himself in the head. The president of the union representing the shooter described him as “a time bomb waiting to go off” (Kelleher, 1996).

Violence is a particular concern in health care settings. According to the Bureau of Labor Statistics, 2,637 nonfatal assaults on hospital workers occurred in 1999—a rate of 8.3 assaults per 10,000 workers. Violence often takes place during times of high activity and interaction with patients, such as at mealtimes, during visiting hours, and during patient transportation. Assaults may occur when service is denied, when a patient is involuntarily admitted, or when a health care worker attempts to set limits on eating, drinking, or tobacco or alcohol use. Violence may occur anywhere in the hospital, but it is most frequent in psychiatric wards, emergency rooms, waiting rooms, and geriatric units (National Institute for Occupational Safety and Health, 2002).

A study of 9,187 nurses in British Columbia and Alberta hospitals showed that 38 percent experienced emotional abuse in the last five shifts they worked (Bains, 2000). Some 66 percent of those who worked in emergency rooms said they had been emotionally abused during the same period. Approximately 22 percent of emergency room nurses said they had also experienced physical abuse. While most physical abuse traditionally occurs in emergency rooms, the study showed that the same number of nurses, 22 percent, experienced physical abuse in surgical and medical wards. Approximately 56 percent of nurses in psychiatry wards said they had been emotionally abused during the last five shifts worked, while 21 percent said they had also experienced physical abuse, according to the study. The culprits were mostly patients, but nurses also cited visitors as offenders.

**Categorization of Workplace Violence**

The State of California Department of Industrial Relations Occupational Safety and Health Administration (2001) classifies workplace violence into four major types. In Type I (Criminal Intent) incidents, the perpetrator has no legitimate relationship with the business or its employees and is usually committing a crime in conjunction with the violence. These crimes can
include robbery, shoplifting, and trespassing. The vast majority of workplace homicides (85 percent) fall into this category. A typical example is an employee at a convenience store, bank, or service station being assaulted during the course of a robbery.

In Type II (Employer-Directed) incidents, the perpetrator is generally a customer or client who becomes violent during the course of a normal transaction. Service providers, including health care workers, schoolteachers, social workers, and bus and train operators, are among the most common targets of Type II violence. Attacks from “unwilling” clients, such as prison inmates on guards or crime suspects on police officers, are also included in this category.

Type II incidents have the following characteristics:

- The perpetrator is a customer or a client of the worker.
- The violent act generally occurs in conjunction with the worker’s normal duties.
- The risk of violence to some workers in this category (e.g., mental health workers, police) may be constant, even routine.

Type III (Worker-on-Worker) violence occurs when an employee assaults or attacks his or her coworkers. In some cases, these incidents can take place after a series of increasingly hostile behaviors by the perpetrator. Worker-on-worker assault is often the first type of workplace violence that comes to mind for many people, possibly because some of these incidents receive intensive media coverage. For example, the phrase “going postal,” referring to the scenario of a postal worker attacking coworkers, is sometimes used to describe Type III workplace violence. In truth, the U.S. Postal Service is no more likely than any other organization to be affected by this type of violence.

Type III violence accounts for about 7 percent of all workplace homicides. No specific occupations or industries appear to be more or less prone to Type III violence. Because some of these incidents appear to be motivated by disputes, managers and others who supervise workers may be at greater risk of being victimized.

Type III incidents have the following characteristics:

- The perpetrator is an employee or former employee.
- The motivating factor is often one or a series of interpersonal or work-related disputes.

Type IV violence is domestic related. Because of the insidious nature of domestic violence, it is given a category all its own in the typology of
workplace violence. Victims are overwhelmingly, but not exclusively, female. The effects of domestic violence on the workplace are many. They can appear as high absenteeism and low productivity on the part of a worker who is enduring abuse or threats or as the sudden, prolonged absence of an employee fleeing abuse.

Occasionally, the abuser—who usually has no working relationship with the victim’s employer—will appear at the workplace to engage in hostile behavior. In some cases, a domestic violence situation can arise between individuals in the same workplace. These situations can have a substantial effect on the workplace even if one of the parties leaves or is fired.

None of the four types should be regarded as mutually exclusive. Retail establishments, for example, are at risk of Type I events such as robbery and Type III events involving combative coworkers. Hospital emergency rooms are at risk of Type I events and Type II events.

**Sources of Workplace Violence**

The sequence of events leading to workplace violence follows a pattern. First, a traumatic event that produces extreme anger and anxiety occurs. This experience may be triggered by a single event (such as denial of a promotion, a demotion, or termination) or by a number of events that occur over time (such as negative performance ratings). Second, the employee then becomes obsessed with the negative experience, suffering from a great deal of internal conflict and blaming others for the problem. This stage may continue for weeks or months. Finally, the employee seeks revenge for the experience, perhaps focusing on a supervisor or other employees who are seen as the cause of the problem.

A variety of traumatic events contribute to anger in the workplace. In the 1990s, corporate downsizing became a common event. Corporations sought to control costs by trimming their labor force, displacing workers and eliminating many jobs. According to Jones (1996), to help avoid violence, employers should consider the following guidelines when downsizing:

- Practice responses to a range of emotions such as anger, shock, and silence; keep the meeting short.
- Never say negative things to the terminated employee such as, “You are being let go because we need new blood.”
- Know the telephone numbers of security or have security personnel nearby.
• Change computer passwords and secure credit cards and company cars immediately on termination.
• Stress that upper management has approved the layoff decision.

A study of 125 workplace homicides found that half of the perpetrators had recently been laid off or terminated in a downsizing effort. Thus, the possibility of losing a job and then actually being dismissed can result in violent behavior (Johnson, 1994). One study indicates that assailants often have a history of frustrating life experiences and personal failures (Fox and Levin, 1994). These frustrations may have developed over many years for older individuals; thus, the growing number of middle-aged workplace assailants reflects the increasing age of the general population. As discussed, many employees who commit acts of workplace violence had been the subject of grievances or had disciplinary actions pending at the time of attack. In several instances, the assailant sought retribution for being passed over for promotion, for feeling that he or she was the victim of favoritism, or for other arbitrary managerial decisions.

The Northwestern National Life Insurance Company study (1993: 8) found job stress to be both a cause and an effect of workplace violence and harassment. Feelings of lack of control, little managerial support, and other psychological symptoms have been reported for many occupations (Burke, 1991). In other words, uncertainty about steady employment, adversarial relations with supervisors or peers, and perceived unfair workplace policies and procedures are sources of stress that, if undetected and unaddressed, can result in violent confrontations.

A study of postal workers found that they experience high levels of stress-related physical and psychological symptoms, low levels of job satisfaction, and little supervisory support. Many workers claimed that they lacked control over their work because of the regimented atmosphere and uncaring management (Smith, 1993: 32).

Many of our nation’s youth have jobs in fast-food restaurants, which are described as low-end, low-wage, time-consuming positions that they find demeaning and degrading. The pressure to please customers increases workers’ frustrations, which may result in violence (Howe and Strauss, 1993). Thus, employees from different backgrounds working together in organizations in which they see no future and who feel pressure to perform often become pessimistic, angry, and, perhaps, violent.

The data in a 1993–1994 study of 50 fast-food restaurants in the East, Midwest, and South were obtained through 300 employee interviews. Most of the respondents worked night shifts and were females employed in the management ranks. The study revealed that the most frequent event
reported by employees was drunken/threatening behavior by employees reporting to work or visiting the workplace while off duty. This behavior was the most common reason for termination. Supervisors were often the target of retaliatory threats by these employees. The next most common event was nonsexual harassment, which involved threats and insults exchanged between employees. The third most common complaint was fighting. It was not uncommon for fights to break out between customers or between employees, usually late at night. Approximately 50 percent of the complaints resulted from these three events (O’Connor, 1997).

Violence occurs in other organizational settings where political or religious beliefs collide. An example is abortion clinics. Opponents of abortion view employees of abortion clinics, especially doctors, as murderers. Since 1977, anti-abortionist factions have been responsible for more than 1,000 reported acts of violence, including bombings, arson, kidnappings, assaults, shootings, and clinic invasions aimed at abortion providers. The seriousness of abortion violence gained national attention on March 10, 1993, when pro-life advocate Michael Griffin mortally wounded abortion clinic doctor Dr. David Gunn as he arrived for work at the Pensacola (Florida) Women’s Medical Services Center. The motive for the killing was Griffin’s hatred for abortion and the doctors who performed abortions. Dr. Warren Hern, medical director of an abortion clinic in Colorado, stated, “Death threats are so common they are not remarkable” (Hall, 1992: 36).

**Warning Signs of Violence**

A number of signs may indicate potential violence. Some of the blatant indicators are threatening phone calls, stalking, and unwelcome attention, such as love letters and gifts (romantic obsession). A psychological view of the potentially violent person involves a three-part profile addressing the general characteristics of the violent worker, the characteristics of the employee who may be capable of murder, and the characteristics of the nonviolent employee. By examining past cases of violence, the perpetrators, and settings in which violence occurs, we can learn a great deal.

A technique to identify employees most likely to commit murder in the workplace was developed by Anthony Baron (1993). Dr. Baron, considered a leading researcher on workplace violence and the chief executive officer of the Scripps Center for Quality Management, in San Diego, California, conducted research on employees who committed murder in the workplace. He found that most were white males between 25 and 40 years of age. They had a history of violence, either on the job or in their personal lives, and had requested some form of counseling. He indicated that
workplace murderers tend to be loners and appear withdrawn, exhibit bursts of anger, and have conflicts with other employees. They often have a history of marital problems, as well as drug and alcohol abuse.

Most displayed feelings of paranoia. They often owned weapons. Based on his research, Dr. Baron found that there is an 80 percent chance that those who commit violence will be male, a 75 percent chance that they will be white, and a 90 percent chance that they are between 25 and 50 years old. There is a 90 percent probability that the offender has one or more of the following characteristics:

- History of violence
- Evidence of psychosis
- Evidence of erotomania
- Evidence of chemical or alcohol dependence
- Depression
- Pattern of pathological blaming
- Impaired neurological functioning
- Elevated frustration level
- Interest in weapons
- Evidence of personality disorder
- Vocalization of violent intentions prior to a violent act
- Evidence of strange or bizarre behavior over a period of time

Human resource experts have found that employees who explode into a murderous rage fit a similar demographic and psychological profile. In other words, predictors and profiles of impending violence exist. According to one such profile (DiLorenzo and Carroll, 1995), the violent employee generally fits one or more of the following characterizations:

- A loner with a history of violence and a fascination with weapons
- An angry person who has few outlets for that anger, but who has requested some type of assistance in the past
- A socially withdrawn person with a history of interpersonal conflict, family problems, and marital strife
- Someone who often gives verbal expression to complaints about and to management, but then stops
- Someone who exhibits paranoia about others or engages in self-destructive behavior, such as drug or alcohol abuse
One of the most celebrated cases of workplace violence occurred in California in 1991. As Chapter 2 indicates, stalking is a threat that can lead to physical violence. In the case of Laura Black (Focus 4–1), a romantic obsession by a coworker led to her stalking and the subsequent murder of several employees.

Focus 4–1 Obsession with Laura

Richard Farley’s complete obsession with coworker Laura Black exemplifies the violence that can result from a particularly virulent delusional disorder.

Electromagnetic Systems Labs (ESL) was a premier defense contractor and a respected member of the burgeoning electronics industry located in the heart of Silicon Valley. ESL provided its employees with a comfortable working environment and a camaraderie unique to high-tech firms. Richard Ward Farley was a software technician who had left the military with a much-demanded skill and a high security clearance during a 10-year stint with the Navy.

From the moment Farley was introduced to Laura Black, an electrical engineer who had worked at ESL for less than a year, he was obsessed with her. Later recalling their first meeting during court testimony, Farley said, “I think I fell instantly in love with her. It was just one of those things, I guess.” Black at first had no inkling of Farley’s obsession with her. During the three and a half years following that meeting, Farley wrote some 200 letters to her, constantly followed her to and from work, left gifts on her desk, and rifled through confidential personnel files to learn more about her personal life. At one point, learning that Black was to visit her parents in Virginia in December 1984, Farley broke into her desk at the office, obtained the address of her parents, and wrote letters to her in Virginia. His letters in 1984 and 1985 were not overtly threatening, but that changed as Black continued to thwart his advances. Farley frequently drove past her home at night and telephoned her at any hour, and, at one point, joined her aerobics class to remain as close as possible to her, day and night.

Although Farley dated another woman and eventually lived with her in his San Jose bungalow, he twice attempted to move into the same apartment building where Black lived. Farley often asked for a date but would inevitably be turned down by the polite and naturally gentle Black. These rejections inevitably brought on recurring protestations and endless restatements of his limitless love for her. She did what she could to avoid him and deter his advances; he responded by redoubling his efforts with more telephone calls, more harassment, more gifts, and incessant car trips past her home.

Black was forced to move twice during these years as Farley’s harassment continued unabated at work, at her apartment complex, and even on shopping trips. Eventually, Farley’s tactics became aggressive and cruel. He made derogatory statements about her and rifled through her locked desk in search of more information about her personal life and activities away from work. It seemed that every effort that Black made to avoid Farley resulted in more encounters with him, each contact becoming more offensive than the previous one.
By the fall of 1985, Farley had pursued Black so unceasingly that she turned to the human resources department at ESL for help. Farley was told he must attend psychological counseling sessions and stop harassing Black if he wanted to keep his job. Although he attended the required counseling sessions regularly, the harassment did not diminish, it escalated. During the period he was attending counseling, Farley made a duplicate copy of Black’s house key that she had inadvertently left on her desk. Rather than using the key to gain entry to her apartment, Farley displayed it and a handwritten note on the dashboard of his car so that Black and others would know that he could get to her at any time. His driving excursions past her home and his telephone calls to her late at night increased. The letters he wrote became more threatening, sometimes referring to his large gun collection.

Finally, in 1986, Farley could no longer control his growing anger at Black’s continuing rejections. He publicly and vehemently threatened her life if she would not submit to his desire to have her for himself. Farley also began threatening other employees at the company, including a manager whom he warned about his gun collection, his expertise with guns, and the fact that he “could take people with [him]” if provoked.

ESL management, by now very concerned about Farley’s bizarre behavioral patterns, dismissed him in May 1986. Managers were clearly concerned about Black’s safety as well as that of others in the organization. Even as Farley was being fired from his job, an ESL manager warned Black once more about Farley’s uncontrollable obsession and the company’s concern for her safety. Still, even the termination from his $36,000-a-year position could not dissuade Farley. In fact, in a letter to Black just before he was fired from his job, Farley wrote, “Once I’m fired, you won’t be able to control me ever again. Pretty soon, I’ll crack under the pressure and run amok and destroy everything in my path.” His words proved prophetic in the extreme.

For the next year and a half, Farley continued to harass Black. He was experiencing economic hardships, lost two houses, and found himself in trouble with the IRS for back taxes. But none of this seemed to matter. He thought constantly about Black and increased his efforts to gain her affection. The fact that he could no longer see her at work did nothing to check his pursuit of her. The telephone calls continued, as did his habit of following her whenever he could. By November 1987, his letters to Black were voluminous and overtly threatening. In that month he wrote, “You cost me a job, $40,000 in equity taxes I can’t pay, and a foreclosure. Yet I still like you. Why do you want to find out how far I’ll go?” Closing his letter, Farley threatened her again: “I absolutely will not be pushed around, and I’m beginning to get tired of being nice.”

Black, in fear for her life and completely victimized by the ever-present Farley, eventually sought, and was granted, a temporary restraining order that forbade him from approaching within 300 yards of her and ordered him not to contact her in any manner. The order was served against Farley on February 8, 1988, with a hearing scheduled for the matter on February 17. For Farley, this temporary restraining order was an act of ultimate abandonment on Black’s part. He knew, without question,
that Black would never submit to his advances. All that was left for Farley was revenge—and he already had much of what he needed to take that course.

On February 9, 1988, Farley purchased a new 12-gauge semiautomatic shotgun and ammunition for his arsenal of personal weapons. He spent $2,000 that day, despite his financial problems, just to be sure he had everything he needed. When Farley returned to the offices of his former employer on Tuesday, February 16, 1988, he was clearly prepared for maximum violence. It was just after 3 P.M. as he drove his motor home into the ESL parking lot armed with his new shotgun, a rifle, two handguns, bandoleers of ammunition strapped across his chest, and a container of gasoline. In all, Farley carried nearly 100 pounds of firearms and ammunition on his body. Walking across the parking lot to the office building, Farley shot and killed his first victim, a 46-year-old data processing specialist whom he knew. He then approached the building entrance and blasted his way through the locked glass doors, heading directly for Black's office. Making his way to her location, Farley fired indiscriminately at anyone in his path. Before reaching Black, he shot six employees, killing four instantly with powerful blasts from his semiautomatic shotgun. Hearing the chaos outside of her office, Black slammed and locked her door, hoping to find some refuge. It was to no avail. Farley leveled his shotgun at the office door and blew it off the hinges. Jumping past the shattered door and moving swiftly toward her desk, he raised the shotgun again and fired twice. The first shot missed, but the second critically wounded her, severing arteries, tearing muscles, and destroying bone in her shoulder. Although losing a great deal of blood and in unimaginable pain, she was able to hide in an adjoining office and then make a run for the parking lot where, by that time, waiting ambulances and a SWAT team had arrived. During his rampage, Farley killed seven employees and wounded another four, including Laura.

At the end of his five-hour rampage, Farley surrendered to a police SWAT team. Throughout the standoff, law enforcement personnel later recounted, Farley expressed no remorse for what he had done and, in fact, appeared to delight in the mayhem and chaos surrounding his actions.

The day after Farley's rampage, Family Court Commissioner Lois Kittle declared the restraining order obtained by Black a few weeks earlier as permanent. It was clearly a symbolic, but important, act. A tearful Commissioner Kittle said, "Pieces of paper do not stop bullets." On that day it was uncertain if Laura Black would survive to testify against Richard Wade Farley.

Farley went on trial in 1991, charged with seven counts of capital murder and four additional felonies. In his testimony, he admitted that he knew he should not have harassed Laura Black but claimed he could not help himself. He argued that he had "instantly" fallen in love with his former coworker, saying, "The more she tries to push me away, the more I try to not have her push me away." According to his testimony, Black's final response to his incessant attempts to date her was that she would not go out with him even if "I was the last man on Earth."

During the course of the trial, Black, obviously still in pain from her injuries and permanently disabled, testified that she had not encouraged Farley in any way
but had, in fact, made extraordinary efforts to avoid him and deter his advances. Having been grievously wounded during the February 16 siege, Black made a compelling witness against the remorseless Farley. It was clear that she had truly been through hell with Richard Farley.


It is a textbook case of violence escalation and how a company was slow to recognize the problem. A different kind of romantic obsession is described in Focus 4–2, regarding an office romance gone completely out of control.

Focus 4–2 An Office Romance Gone Crazy: Who Is to Blame and Who Are the Victims?

In September 1992, Elizabeth Saret-Cook was hired by a law firm as a paralegal. She worked with Clifford Woosley, a partner in the law firm, who also agreed to assist her in preparing for her bar exam. Although both were married, both were at the time experiencing difficulties in their respective marriages. Woosley feared that his marriage might soon end, and Saret-Cook was unhappy in her marriage. At this time, Woosley was 41 years old with two sons. His wife was apparently about the same age. Saret-Cook was 30 years old with one son and an adopted daughter. Her husband was in his early 60s. Saret-Cook and Woosley soon began a sexual affair. Saret-Cook later stated that she had fallen in love with Woosley when she first met him, admitted that she deliberately planned to seduce him, and admitted that she, in fact, had seduced him.

The affair between Saret-Cook and Woosley resulted in Saret-Cook’s pregnancy. Woosley reported the affair and pregnancy to the managing partner. Although he told the managing partner that he and Saret-Cook had earlier talked about marriage, he also explained that he had decided to break off the affair and to recommit to his existing marriage. The office manager then spoke with Saret-Cook. He suggested that in view of the circumstances and possible future complications, it would be better if a new supervising attorney were found to mentor Saret-Cook.

In response, Saret-Cook “went absolutely bonkers.” She insisted that Woosley continue to act as her supervising attorney in the study program, giving as an explanation for this insistence her claim that she would lose credit in the study program should she change supervising attorneys and be delayed in taking the bar exam.

Woosley was a partner with the firm’s insurance bad faith appellate section. Saret-Cook was employed as a paralegal in that section and sometimes performed work assignments directly for him. Several weeks after the affair and resulting pregnancy were reported to the managing partner, a delegation of three female attorneys

(Continued)
complained to the managing partner that Saret-Cook was disrupting the office by continually arguing with personnel on her floor, insisting on discussing the intimate sexual details of her affair, and publicly theorizing how she might rekindle the affair. The attorneys complained that Saret-Cook’s conduct was interfering with productivity. Perceiving a developing morale problem, the managing partner transferred Saret-Cook (over her objection) to a different department on a different floor. Pursuant to her demand, however, the individual respondent continued to act as her mentor in the study program.

After her transfer, Saret-Cook continued disruptive behavior in the new office locale and continued her efforts to rekindle the affair. She falsely told Woosley that she had divorced her husband, and did induce Woosley briefly to resume their affair. In October, however, Woosley irrevocably ended it. He later told colleagues that he could not believe that at one time he thought he might have been in love with Saret-Cook.

Other strange and dishonest behavior developed as well. Although Saret-Cook learned 8 weeks into her pregnancy that she was bearing a single child, she consistently told the individual respondent and others that she was pregnant with twins, even naming them “Claire” and “Clark.” Shortly before her delivery, Saret-Cook asked the individual respondent for a check to pay for Clark’s circumcision, which the individual respondent provided. After giving birth to a single female child, Claire, by emergency cesarean, Saret-Cook phoned Woosley from the hospital and told him that Clark had been stillborn. This news was particularly wrenching to Woosley, because he himself was a surviving twin. Saret-Cook knew this when she lied about Clark because the individual respondent had told her about his dead twin before the affair began. Saret-Cook also told others that Clark had died. However, there was never a baby Clark.

The baby Claire had multiple complications and medical problems and needed significant ongoing medical attention. Saret-Cook told the individual respondent that she wanted to concentrate on the living, and, therefore, wanted no public mourning for the loss of Clark. Saret-Cook stated that she would make arrangements with the hospital for the disposition of Clark’s remains. There was no funeral. In late February, Saret-Cook began telling the individual respondent that Clark’s death was the individual respondent’s fault, saying, “How does it feel to have killed your own son?” and “Clark is dead because you refused to give me the emotional support that I deserved when I was pregnant.” In June 1994, while the individual respondent was engaged in obtaining care for Claire, Saret-Cook changed her story about Clark. She now told the individual respondent that Clark had not actually been stillborn, but instead had miscarried in October. She stated that Clark’s remains had been buried at Forest Lawn. The individual respondent promptly went to Forest Lawn in an unsuccessful search for the burial site. Not until later did the individual respondent learn that Saret-Cook’s statements about Clark’s existence and death were part of an elaborate lie.

Two weeks after Claire’s birth, Saret-Cook returned to work. She told the managing partner that she intended to resign from the firm, that it was her own personal
decision, and that she had not been pressured to resign. She stated, however, that she first needed to complete her study program. In March 1994, Saret-Cook had told her psychologist that she was threatening a scandal at the firm, that she loved Woosley and hoped he would leave his wife and marry her. Saret-Cook also told the managing partner that she intended to sue the firm. Settlement negotiations consequently commenced. Even after execution of the settlement documents, Saret-Cook’s disruptive behavior continued, including continued public discussions of her relationship with the individual respondent and arguments. She also began to use her phone excessively for personal calls. From mid-February to July 1994, Saret-Cook made 3,600 calls from her office phone alone, over half of which were confirmed to be personal calls. She also began bringing Claire into the office, often leaving the baby unattended and crying.

She also commenced other bizarre deceptions. On one occasion, Saret-Cook reported that she was being threatened by opposing counsel in a case she was working on, that she was being followed, that one of her tires had been slashed, and that her son had been accosted. The partner in charge removed her from the case and spent considerable time investigating, but found her allegations inconsistent and contradictory. When he asked her to provide substantiation of her claims, she instead asked a paralegal to confirm a false story about being followed. The quality of her work also deteriorated with missed deadlines and unfinished administrative tasks.

Her disruptive behavior also escalated as her obsession with Woosley apparently intensified. She told a paralegal that she wanted to get pregnant by the individual respondent a second time because she felt he would then be forced to marry her. She told another employee that she had hired a private detective to investigate the individual respondent’s wife. In July 1994, she used the firm printer to print a letter stating that the individual respondent’s wife had had an affair and that the individual respondent was not the father of his son. The pages were left in the printer and were found by a secretary. On another occasion, she followed the female attorney who had declined to intervene on her behalf into the women’s room, screaming that she was a “loud-mouth bitch,” while the office manager escorted visitors through the office nearby.

Her harassment of the individual respondent also intensified. She phoned Woosley in his office, at his home, and on his car phone, and phoned his wife as well. When the individual respondent stopped answering the repeated calls shown by the firm’s internal caller ID system to be from Saret-Cook’s office, she would dial “9” for an outside line and call again. The incessant phone calls prevented the individual respondent from working productively. A paralegal testified that Saret-Cook admitted “wreaking havoc” on Woosley. She repeatedly entered the individual respondent’s office and refused to leave, forcing him to work with his door locked to keep her out. She would bang on his locked door, shouting that she needed to talk with him. She refused to leave after study program sessions, insisting instead on staying to talk about personal matters. Woosley began holding the study program sessions in empty offices so that he could leave and return to his own office when the study

(Continued)
session had ended. On one occasion, she blocked the exit from the empty office, daring him to physically move her to escape. Saret-Cook also hounded the individual respondent by continually following him, on two occasions even following him into the men’s room. She told her psychologist that she hoped to marry him.

The situation was so severe that in June 1994 he began commuting 3 days per week to GKCJ’s Riverside office in order to avoid Saret-Cook’s hounding. He had to continue to come into the Los Angeles office on Tuesdays and Thursdays, however, to mentor Saret-Cook in her study program. On September 1, Saret-Cook attended her last study session with the individual respondent and refused to leave afterward. When the individual respondent attempted to leave, Saret-Cook first feigned fainting, then yelled, “I’m going to destroy you, and I’m going to destroy your family and everything that’s near and dear to you!”

Despite the fact that September was her agreed-on separation date, Saret-Cook nevertheless came into the office on September 2. A number of heated exchanges between Saret-Cook and GKCJ attorneys occurred, with conflicting evidence as to their cause and content. The managing partner received an emergency call on his car phone from the office administrator while the managing partner was en route to the firm’s Orange County office, reporting on Saret-Cook’s continuing disruption. He spoke to Saret-Cook by telephone from the Orange County office, asking her to just “leave with dignity.” She hung up.

After her resignation date, Saret-Cook obtained employment at another law firm on the strength of her false representation that she had taken the bar exam. During her time at that firm, she continued her incessant calls to Woosley. On October 31, she phoned him and stated that she must see him outside the office because she was about to do something that would destroy them both. He refused to see her, but later that day was hospitalized, and remained hospitalized for four days. Saret-Cook continued to phone him at the hospital. She also repeatedly phoned his wife at home and at work, calling her a “slut” and asking scurrilous questions. At times, Saret-Cook would claim she was a reporter with the National Enquirer, or say she was calling about the Sally Jesse Raphael program. On the birthday of the individual respondent’s youngest son, Saret-Cook phoned Woosley’s wife pretending to be a reporter for the L.A. Times and asking about her husband’s affair and illegitimate child. In November 1994, Woosley changed the home phone number his family had used for 8 years. Yet after only 3 weeks, phone calls from Saret-Cook began again. The individual respondent testified that he felt oppressed and that his family was frightened.

Woosley reported the incessant phone calls to the police, and a tracer was installed on the family phone. The calls continued. On January 26, 1995, for example, the family received six calls from Saret-Cook, each made one minute apart. In her many calls, she would ask the individual respondent’s wife, “How many illegitimate children do you have?” or would ask the 14-year-old son, “Who is your daddy?” or tell him to ask his mommy about her lover. The family changed its phone number four times in an attempt to stop the calls. By March 1995, the calls that could be positively identified as from Saret-Cook had stopped, but untraceable crank hang-up
calls persisted. Some of these calls were made from public pay phones near Saret-Cook’s home and workplace.

Friction and tension between Saret-Cook and Woosley continued due to their necessary interactions relating to Claire’s need for medical care. The individual respondent became increasingly distraught and increasingly unable to focus on his work. By May 1995, he was experiencing weight loss and muscle spasms. A psychiatrist diagnosed him as suffering from depression and treated him until July 1995 when he (rather than the psychiatrist) discontinued the treatments.

By the winter of 1995, however, neither his condition nor his productivity had improved. As a consequence, Woosley was asked to step down from his partnership. He testified that he felt that he had lost something he had worked for his entire life. His income was reduced by over half. Because he was no longer able to afford the family home, he had to sell it. He also began taking medication to control muscle twitching. In February 1996, he resumed psychiatric care. He had lost over 30 pounds, could not sleep, was extremely anxious, and suffered from muscle spasms, restlessness, and suicidal thoughts. He was diagnosed as having major depression, placed on disability, and prescribed antidepressant and antianxiety medications. On a depression scale of 1 to 10, his psychiatrist placed him at an 8 or 9. As of the time of the trial in July 1996, he remained on disability.


In Focus 4–2, a story fit for a Hollywood horror film, the office romance had severe implications and numerous warning signs of possible violence. That incident, however, occurred in a prestigious law firm. Many lessons are to be gained from such a scenario. Although no murder or physical violence took place, as in the case of Laura Black in Focus 4–1, many lives were ruined. In both cases, abnormal obsession, harassment, intimidation, and threats compromised the workplace, causing organizational dysfunction and victimization. After years of civil litigation, the male victim received a judgment against the harasser. But, should he or his supervisors share in the blame?

It is imperative that management, particularly immediate supervisors, be aware of the characteristics of problem employees. One characteristic is repeated tardiness or excessive absences, or both. These indicators are particularly important if the employee usually is prompt and reliable and are suggestive of a personal problem or low morale. A second characteristic is the need for increased supervision. Employees requiring close supervision may be signaling a need for help; constant or repetitive mistakes may be a clue to behavioral problems, particularly if the employee has not required close supervision in the past. A third characteristic is reduced productivity.
A previously productive employee whose performance level suddenly drops requires intervention. Another classic warning sign is a strained workplace relationship or conflict with other employees. A worker displaying disruptive, argumentative behavior with other employees needs help. This type of behavior can deteriorate, as in the case of Richard Farley (see Focus 4–1).

Other characteristics of problem employees are changes in health and hygiene and exhibiting unusual behavior, such as radical changes in dress or personality. These changes suggest possible substance abuse or depression, which may result from dissatisfaction with the job or domestic problems. These characteristics may also indicate that an employee is in need of help and may be prone to violence or other disruptive antisocial behavior. Other typical characteristics include the following:

- Evidence of feelings of being victimized by the company, supervisors, or coworkers
- Displays of unwarranted anger or sudden outbursts
- Romantic obsession with another employee
- Inability to take criticism
- Taking up much of the supervisor’s time with personal problems
- Lack of concern for the safety of others
- Lack of concern for company property and equipment
- Complaints by coworkers or others regarding inappropriate behavior (sexual harassment, etc.)
- Becoming withdrawn or socially isolated from other workers

Approaching a person who demonstrates any one or a combination of these characteristics requires caution and patience. The actions suggested in Table 4–3 can deescalate potentially violent situations or people (Timm and Chandler, 1995). The goal in dealing with a possible problem employee is to defuse that person by using nonthreatening language and gestures. Be patient and empathetic and allow the person to speak or vent his or her frustrations. Use accommodating language such as, “I know you’re upset; it sounds as if the world is falling down around you. . . . Let’s talk about it; maybe we can work something out.” Avoid challenges and threats that may further inflame the issue.

The type of business, its geographical location, and its configuration or layout may be contributing factors to victimization. Based on
Workplace Violence, Harassment, and Victimization

TABLE 4–3 WAYS TO MINIMIZE VIOLENCE WITH A PERSON EXHIBITING THE CHARACTERISTICS OF A PROBLEM EMPLOYEE

The following can be used to deescalate potentially violent situations. If at any time a person’s behavior begins to escalate beyond your comfort zone, disengage.

<table>
<thead>
<tr>
<th>Do</th>
<th>Do Not</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project calmness; move and speak slowly, quietly, and confidently.</td>
<td>Generate hostility by using styles of communication such as apathy, brush-off, coldness, condescension, robotism, going strictly by the rules, or giving the runaround.</td>
</tr>
<tr>
<td>Be an empathetic listener; encourage the person to talk and then listen patiently.</td>
<td>Reject all of the person’s demands from the start.</td>
</tr>
<tr>
<td>Focus your attention on the other person to let him or her know you are interested in what he or she has to say.</td>
<td>Pose in challenging stances such as standing directly opposite the person with hands on hips or arms crossed. Avoid any physical contact, finger pointing, or long periods of fixed eye contact.</td>
</tr>
<tr>
<td>Maintain a relaxed yet attentive posture and position yourself at a right angle to rather than directly in front of the other person.</td>
<td>Make sudden movements that can be perceived as threatening.</td>
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<tr>
<td>Acknowledge the person’s feelings; indicate that you can see that he or she is upset.</td>
<td>Challenge, threaten, or dare the individual. Never belittle the person or make him or her feel foolish.</td>
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<tr>
<td>Ask for small, specific favors such as asking the person to move to a quieter area.</td>
<td>Criticize the person or act impatient. Attempt to bargain with a threatening individual.</td>
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<tr>
<td>Establish ground rules if unreasonable behavior persists; calmly describe the consequences of any violent behavior.</td>
<td>Try to make the situation less serious than it is.</td>
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<tr>
<td>Use delaying tactics to give the person time to calm down. For example, offer a drink of water (in a disposable cup).</td>
<td>Make false statements or promises you cannot keep.</td>
</tr>
<tr>
<td>Be reassuring and point out choices; break big problems into smaller, more manageable ones.</td>
<td>Try to impart technical or complicated information when emotions are high.</td>
</tr>
<tr>
<td>Accept criticism in a positive way. When a complaint might be true, use statements such as “You’re probably right” or “It was my fault.” If the criticism seems unwarranted, ask clarifying questions.</td>
<td>Take sides or agree with distortions.</td>
</tr>
<tr>
<td>Ask for the person’s recommendations; repeat what you believe the person is requesting of you.</td>
<td>Invade the individual’s personal space. Make sure there is enough space between you and the person.</td>
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<tr>
<td>Arrange yourself so that a visitor cannot block your access to an exit.</td>
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Previous research on violence in the workplace, the following conditions are considered **business risk predictors** (Meadows, 1990). The list is not inclusive, but is offered as a guide to identify a business that may be at risk.
BUSINESS RISK PREDICTORS: QUESTIONS TO CONSIDER

1. Has the business experienced previous criminal intrusions?
2. Does the business operate during evening hours?
3. Is there public access (a number of public access points)?
4. Is alcohol served on the premises?
5. Are there several points of uncontrolled entry into the business?
6. Is there uncontrolled access to parking areas or structures?
7. Does the business deal in cash transactions?
8. Have any employees complained of harassment or assaults by other employees, customers, or other people?
9. Does the business offer public entertainment?
10. Have incidents of crime (robbery, assaults, gang activity) occurred in the area immediately surrounding the business?
11. Is the business located near an entrance to a freeway or an interstate highway?
12. Is the business located in a metropolitan area?
13. Have firearms or other deadly weapons been reported on the premises?
14. Have there been reports by employees or others regarding loitering on or near the premises?
15. Have there been reports of illegal drug usage by employees or others on the premises?
16. Have there been physical confrontations or fights between employees or others?
17. Have any discharged or disgruntled employees made threats?

Obviously, a business manager or owner who answers yes to a number of these questions should give serious thought to ways to address the problems. Predictors, especially when they occur frequently or when the business has a history of criminality on the property, raise the specter of crime and potential legal problems foreseeability.

BULLYING IN THE WORKPLACE

Associated with workplace violence is the problem of bullying of employees by coworkers or supervisors. Bullying is a form of harassment but without the same legal protections as sexual harassment. In other words, bullying is
a type of aggression against a coworker that may not involve physical contact or sexual suggestions. Thus, bullying is a form of same-sex harassment, which is usually not actionable except when unwanted sexual overtures are involved (Namie, 2003).

Bullying is a serious concern in the workplace because it can lead to victimization and violence; however, the victimization may not always be violent. Bullies use a number of tactics. Figure 4–1 rank orders the top 25 tactics commonly used by the workplace bully. As described, some of these tactics could lead to violence or retaliation against the bully, or at the very least result in lower productivity and negative working environments.

**FIGURE 4–1 TOP 25 TACTICS OF WORKPLACE BULLIES**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Falsely accused someone of “errors” not actually made (71%)</td>
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<tr>
<td>2.</td>
<td>Stared, glared, was nonverbally intimidating, and was clearly showing hostility (68%)</td>
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<tr>
<td>3.</td>
<td>Discounted the person’s thoughts or feelings (“oh, that’s silly”) in meetings (64%)</td>
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<tr>
<td>4.</td>
<td>Used the “silent treatment” to “ice out” and separate from others (64%)</td>
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<tr>
<td>5.</td>
<td>Exhibited presumably uncontrollable mood swings in front of the group (61%)</td>
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<tr>
<td>6.</td>
<td>Made up own rules on the fly that even she/he did not follow (61%)</td>
</tr>
<tr>
<td>7.</td>
<td>Disregarded satisfactory or exemplary quality of completed work despite evidence (58%)</td>
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<tr>
<td>8.</td>
<td>Harshly and constantly criticized having a different “standard” for the target (57%)</td>
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<tr>
<td>9.</td>
<td>Started, or failed to stop, destructive rumors or gossip about the person (56%)</td>
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<tr>
<td>10.</td>
<td>Encouraged people to turn against the person being tormented (55%)</td>
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<tr>
<td>11.</td>
<td>Single out and isolated one person from coworkers, either socially or physically (54%)</td>
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<td>12.</td>
<td>Publicly displayed “gross,” undignified, but not illegal, behavior (53%)</td>
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<tr>
<td>13.</td>
<td>Yelled, screamed, and threw tantrums in front of others to humiliate a person (53%)</td>
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<tr>
<td>14.</td>
<td>Stole credit for work done by others (47%)</td>
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<tr>
<td>15.</td>
<td>Abused the evaluation process by lying about the person’s performance (46%)</td>
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<tr>
<td>16.</td>
<td>“Insubordinate” for failing to follow arbitrary commands (46%)</td>
</tr>
<tr>
<td>17.</td>
<td>Used confidential information about a person to humiliate privately or publicly (45%)</td>
</tr>
<tr>
<td>18.</td>
<td>Retaliated against the person after a complaint was filed (45%)</td>
</tr>
<tr>
<td>19.</td>
<td>Made verbal put-downs/insults based on gender, race, accent or language, disability (44%)</td>
</tr>
<tr>
<td>20.</td>
<td>Assigned undesirable work as punishment (44%)</td>
</tr>
<tr>
<td>21.</td>
<td>Made undoable demands—workload, deadlines, duties—on person singled out (44%)</td>
</tr>
<tr>
<td>22.</td>
<td>Launched a baseless campaign to oust the person and was not stopped by the employer (43%)</td>
</tr>
<tr>
<td>23.</td>
<td>Encouraged the person to quit or transfer rather than to face more mistreatment (43%)</td>
</tr>
<tr>
<td>24.</td>
<td>Sabotaged the person’s contribution to a team goal and reward (41%)</td>
</tr>
<tr>
<td>25.</td>
<td>Ensured failure of person’s project by not performing required tasks: signoffs, taking calls, working with collaborators (40%)</td>
</tr>
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</table>

Bullying in the workplace also assumes some different dynamics. Women bullies, for example, tend to target their own sex, with women bullies choosing women targets 87 percent of the time. However, men bullies choose women targets 71 percent of the time. Women bullies are more likely than are men bullies to adopt the tactics of silent treatment and encouraging colleagues to turn against the target. Men bullies, on the other hand, choose tactics that range from blatantly illegal through different forms of aggression to threats of physical force (Namie, 2003).

Legal movements address workplace bullying. Laws have been introduced in Washington state and Hawaii to criminalize bullying. In a civil case in Indiana, a heart surgeon was ordered to pay a former hospital employee $325,000 for perpetrating extreme verbal abuse, profanity, and insults against the person (Martin, 2005). As in this precedent-setting case, workplace bullying may be viewed as actionable if the pattern of conduct is extensive.

**EMPLOYER LIABILITY FOR WORKPLACE VICTIMIZATION**

With growing concern over workplace violence, employers and business owners are also becoming increasingly interested in their legal obligations should a violent event occur. Loss control and safety experts warn that businesses that do not implement security measures increase their exposure to lawsuits (Roberts, 1994: 4). Workers’ compensation may cover most employee injury claims, but the employer may still be responsible in other ways. The foreseeability of violent events, such as prior complaints and dangerous working conditions, is important in establishing employer liability.

The cost of workplace violence to an employer can be high. The National Safe Workplace Institute in Chicago, for example, reported in one year that jury verdicts against employers average $2.2 million for wrongful deaths, $1.8 million for rapes, and $1.2 million for assaults (McCune, 1994: 55). Violence in the workplace can result not only in lawsuits but also can invite a great deal of adverse publicity for a business. The reputation, credibility, and employee morale of a business can be damaged by publicity resulting from litigation. Workplace violence often results in loss of time from work, increased workers’ compensation claims, and increased insurance premiums.

In the event that litigation does occur, attorneys for crime victims can use a number of legal precedents or doctrines, depending on the facts of the case. One theory, premises liability, considers the defendant employer/business to be liable if it can be proved that the employer failed to exercise reasonable care in securing the premises; for example, security measures were inadequate, security guards failed to patrol the property, security personnel had not been trained properly, or the employer failed to provide...
security as required by law. If laws requiring parking lots to be lighted or a business to develop a security plan are not followed, the business may be liable (Lopez v. Rouse Co., 1994).

A number of cases have claimed premises liability resulting from the failure of a business to provide reasonable security in its parking area. For example, the Connecticut Supreme Court found a department store negligent and awarded $1.5 million to the estate of a woman killed in the store parking lot (Stewart v. Federated Department Stores, 1995). This lawsuit alleged negligent security. Evidence presented during the case indicated that no security officers were on duty in the garage at the time of the incident, although four were on duty inside the store. Records indicated that in the previous year, more than 1,000 serious crimes had been committed within two blocks of the garage (issue of foreseeability). Other evidence indicated that customers and employees had previously been robbed in the garage. In addition, more than 300 fluorescent lights were burned out or inoperative on the day of the incident. Premises liability was also claimed in Doe v. First Gibraltar Bank (1993). In this case, an employee was assaulted in a parking lot that had been the site of previous crimes and assaults.

Another theory used in such cases is that a legal duty may exist if the premises have a history of crime problems, particularly violent crimes. Generally, an entity (business or person) has no legal duty to prevent harm to another citizen unless some special relationship exists. If you see someone under attack, you are under no legal duty to assist that person unless a special relationship between you and the victim exists, such as between a lifeguard and a drowning swimmer. In these situations, the relationship establishes the duty. Under the doctrine of legal duty, employers can be held liable for damages resulting from criminal attacks against their employees and other invitees. Thus, if the employer or agent (e.g., supervisor) knows that a former employee has threatened to return to a business to harm another employee, a special relationship exists and the employer/agent must take action to prevent the attack and must warn the intended victim of a threatened attack. In Duffy v. City of Oceanside (1986), an employer was aware of both the threatening employee’s previous convictions for kidnap and sexual assault and the victim employee’s complaints that the other employee had been sexually harassing her. The court held that the employer had a duty to the victim and was thus liable for the sexual assault of the victim employee because the employer did not take steps to protect her.

If a business advertises to employees that its property is safe, when in fact it is not, and an employee or other invitee relies on those representations but becomes the victim of violence, that person may sue the employer for fraud. The fraud doctrine states that it is fraudulent for a business to falsely represent itself in terms of security. If a criminal attack occurs, the business is guilty of fraud.
An employer’s potential for liability increases when current employees commit the violence. A number of legal doctrines pertain to an employer’s liability regarding the injury of an employee or a third party caused by another employee. Under the **respondeat superior doctrine**, an employer may be held liable for injuries to others caused by an employee. Two conditions apply. First, the crime or act of violence must occur within the course and scope of employment. Thus, an employer can be held liable if an employee uses the employer’s equipment or the crime is motivated by the job duties. For example, a police officer who arrests a drunk driver and then commits a sexual assault against the arrestee has committed an act for which the employer is liable (*Mary M. v. City of Los Angeles*, 1991). The second condition requires that the employer has knowledge that the employee is violent and also the employer does nothing to correct the problem; thus, the foreseeability of a criminal act by an employee is one key to holding an employer liable under respondeat superior. An employee who is being sexually harassed by a coworker and who alerts the employer who does nothing about the problem may be able to sue the employer if an assault actually occurs.

Under the doctrine of **negligent hiring**, an employer can be liable for the criminal actions of an employee if it can be proved that the employer failed to do an adequate background check on the employee during the hiring process. Thus, if an employee has displayed violence toward others or has been fired from a previous job for violence, an employer who did not do the adequate background check may be liable (*Underwriters Ins. Co. v. Purdie*, 1983).

Related to negligent hiring is **negligent supervision or retention**. Under this doctrine, an employer who knows that an employee is unfit for duty because of violent tendencies may be liable if the employee commits a violent act while on the job. In other words, an employer may not have any evidence of employee violence before the hiring but may later become aware of violent tendencies on the job. To illustrate, a car rental company was found liable for approximately $800,000 after an employee violently assaulted a customer. The court reasoned that the company knew that the employee had a history of fighting outside work and arguing with customers but failed to discharge the employee after learning of these previous behaviors (*Greenfield v. Spectrum Investment Corp.*, 1985). A key to employer negligence under this theory is that actual knowledge of violence is not required, only a reasonable knowledge that violence could occur.

In the California case *Bryant v. Livigni* (1993), a supermarket employee attacked a customer’s 4-year-old child. Liability determination was based on the employee’s prior violence toward other coworkers and
the fact that the assailant’s coworkers knew of his violent temper and propensity for violence. In another case, an employer was held liable for an employee’s murder of a coworker. The murderer had worked for the company for 2 years, but then was convicted of manslaughter. After his release from prison, he was rehired and began sexually harassing a female employee. After an investigation of the complaint, he resigned. Eight days later, however, he shot and killed the employee who brought the complaint. A Minnesota court found that the employer had a duty to take steps to protect employees. By hiring a person whom the company knew to be violent, the company violated that duty (*Yunker v. Honeywell, Inc.*, 1993).

Another doctrine related to employer liability is **negligent training**. An employer who supervises others who carry instruments as weapons and who then commit violent acts may be liable for negligent training. In *Gonzales v. Southwest Security and Protection Agency, Inc.* (1983), a security firm was held liable for the act of one of its officers who caused serious injury to the plaintiff by using a nightstick. The court held that the security firm had failed to train the officer on the proper usage of a nightstick and failed to train employees on how to properly detain persons. Another facet of this doctrine involves negligence in selling a weapon. A Kmart employee sold a gun to a drunk customer. The customer later shot and paralyzed his girlfriend. The court found that Kmart had failed to train its sales force on firearm sales and issued an $11 million judgment against Kmart. Thus, liability for negligent training may extend beyond those who use dangerous weapons to those who sell weapons (*Workplace Violence Prevention Institute, 1994: 8*).

In addition to civil liability, an employer may bear criminal liability for violence in the workplace (*Workplace Violence Prevention Institute, 1994: 8*). In 1991, Congress passed legislation that requires federal sentencing guidelines to be applied to corporations found liable under the vicarious liability theory; that is, an employer is guilty if an employee commits an act of violence with the employer’s actual or apparent authority. In addition, many states have enacted legislation making employers who conceal or fail to prevent hazardous workplace conditions subject to liability for such conditions. Several states have enacted laws that penalize an individual, including a business manager or owner, whose negligence causes death or serious injury in the workplace. Thus, an employer who negligently ignores a threat of workplace violence could face civil or criminal liability under these state laws.

The California Corporate Criminal Liability Act imposes criminal liability for a corporation’s failure to disclose “serious concealed dangers,” such as hazardous conditions. Therefore, if an employer knows of dangerous conditions but fails to warn employees of the danger, the employer can be fined or sent to prison if an injury occurs. Section 6400 of the California
Labor Code requires that every employer furnish a place of employment that is safe and healthful for employees. Employers should always be aware that they may face criminal or civil negligence charges for acts of violence in the workplace.

**Sexual Harassment and Legal Liability**

Claims of sexual harassment in the workplace have become common, and sexual harassment itself is a potential source of violence. Sexual harassment involves people in positions of power (usually men) doing or saying offensive things, usually to women under their supervision. Women who conduct their daily work activities in male-dominated job settings are more likely to be victimized than those who do not. These women are in closer proximity to potentially motivated offenders, because men are their most likely assailants. Women who work at locations with many workers are more likely to be victimized than those who work in smaller work locations. Women who work with the public are at increased risk of sexual harassment victimization (De Coster, Estes, and Mueller, 1999).

Investigations into claims of sexual harassment must be handled in such a way that disclosure of improper conduct will result in the prompt resolution of valid complaints. Reports of sexual harassment claims indicate a sharp increase in this problem. It has been estimated that 90 percent of all sexual harassment claims are bona fide (Collier and Associates, 1995).

Sexual harassment was not defined until the 1980s when the Equal Employment Opportunity Commission (EEOC), under Title VII of the Civil Rights Act of 1964, formulated guidelines to define it. Sexual harassment is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities. According to EEOC guidelines and federal and state case law reflecting those EEOC guidelines, behavior is considered to be sexual harassment if one of three elements is present: (1) unwelcome sexual advances, (2) requests for sexual favors, or (3) verbal or physical conduct of a sexual nature. Employers have a duty to maintain a work environment free of sexual harassment; this duty requires taking positive action when necessary to eliminate it or remedy its effects. Employers who knew or should have known of such conduct but failed to take immediate and appropriate corrective measures are liable for the sexual harassment. Evidence that the sexual harassment is pervasive in the organization may establish knowledge.
The EEOC and the courts recognize two distinct forms of sexual harassment: quid pro quo and hostile work environment. The most common form is quid pro quo, or the exchange of sexual favors in return for keeping a job or getting a promotion. The essence of a quid pro quo claim is that an employee with the authority to control or alter employment opportunities asks or demands that a subordinate employee grant sexual favors to obtain or retain an employment opportunity or benefit. The conduct must be of a sexual nature, and the alleged victim must belong to a protected group. Although an express demand for sexual favors is not required, the conduct of the harasser must be reasonably interpreted as a demand for sexual favors in exchange for tangible job benefits such as promised promotion. The conduct of the harasser must also be unwelcomed; thus, the position taken by the EEOC is that if the alleged victim actively participates in the conduct, the conduct is presumed to be welcome. To overcome this presumption, the victim must give the harasser notice that the conduct is no longer welcomed (Collier and Associates, 1995).

For the purposes of sexual harassment claims, a work environment is considered hostile when conduct at the workplace has the purpose or effect of unreasonably interfering with an individual’s work performance, creating an intimidating or offensive work environment. The hostile environment must be sufficiently pervasive to alter the conditions of the victim’s employment and create an abusive work environment. The victim need not be subjected to sexual harassment for any extended period of time; one act of severe conduct may be sufficient to prove a hostile work environment. The more severe the conduct, the less pervasive the conduct needs to be to create a hostile work environment. One rape is enough; one dinner invitation is not. Trivial unwelcomed sexual conduct, such as asking for a date, is not considered harassment unless it is pervasive or continuous. Unwelcomed intentional touching of intimate body areas is sufficiently offensive to alter the conditions of the working environment. Sexual flirtation or innuendos, however, probably would not be considered to cause a hostile environment (Collier and Associates, 1995). Focus 4–3 discusses a case in which staring was judged to be sexual harassment.

Research on sexual harassment in the workplace reveals that the threat diminishes as guardianship increases. In other words, supportive supervisors and coworkers possess guardianship potential, which reduces the harassment victimization. Supportive supervisors and coworkers in solidaristic work groups and/or in work groups characterized as supportive, help protect women from harassment victimization (De Coster et al., 1999).

Many states are becoming proactive in addressing sexual harassment in the workplace. A law passed in California in 2005 (SB 1825) requires
CHAPTER 4

Focus 4–3 Staring: A Case of Sexual Harassment

A female employee (plaintiff) worked on an assembly line at an automotive manufacturing plant. A male coworker asked the plaintiff for a date three or four times, and each time, she declined the invitation. The coworker approached her and told her he wanted to “eat her.” The plaintiff told him to leave her alone. He remained in her work area for a while before departing. A couple days later, he approached her at the worksite and told her he was having fantasies about bathing her, drying her off, carrying her into his room, and putting her down on his bed covered with rose petals. She again told him to leave her alone. He did not respond and continued to stay in her area before leaving. Fearful after these incidents, the plaintiff began to carry mace to work. She also complained about her coworker to management. Following her complaint to management, the coworker never spoke to her again. Instead, he began a campaign of staring at her. For the next 6 months, he would go to her workstation five or more times a day. He would stare directly at her “for at least several seconds” each time. This sort of conduct would occur “at least five to ten times a day.” In response, the plaintiff gave him dirty looks and waved at him to go away, but he would not. He would continue to stare at her and on at least one occasion placed his hand on his crotch. The court ruled in the case that staring was actionable and is a form of sexual harassment. The court reasoned that the prior actions of the male coworker combined with his staring were sufficient. Also, “to plead a cause of action for sexual harassment, it is only necessary to show that gender is a substantial factor in the discrimination and that if the plaintiff had been a man, she would not have been treated in the same manner.”


California employers of 50 or more persons to provide supervisors with at least 2 hours of sexual harassment training every 2 years. Employers must include their full-time, part-time, and temporary service employees as well as independent contractors. The training incorporates information and practical guidance regarding federal and state sexual harassment laws, including harassment prevention and correction, and the remedies available to victims. The training must be interactive, requiring participation by the trainee (California Chamber of Commerce, 2005).

Reducing the Violence Threat: The Targeted Human Resource Approach

Although no method can guarantee the prevention of workplace violence or threats of harassment, certain strategies have been used successfully to reduce the potential for workplace violence. All aspects of the workplace...
environment must be considered and proactive approaches taken to identify hazards and risks.

The **Targeted Human Resource Approach (THRA)** is a proactive approach by which an employer assembles a human resource team and assesses the threats for which the business may be at risk. This requires considering several types of hazards, such as environmental and situational risks. As part of the process, the employer develops policies and procedures to address violence and natural disasters. These policies become corporate goals and procedures that define the corporate methods to achieve them. If a corporation determines that crime prevention is a goal, it writes a policy outlining steps to take to protect employees from harm and to protect corporate assets. These policies should address a wide area, from handling money and dealing with the public to reacting to a criminal action. Policies on preemployment screening, incident training, and threat responses should be developed.

One necessary policy concerns the company’s guidelines on background checks of potential employees. Employers must investigate the background of prospective employees without violating the applicant’s right to privacy. Kraft Foods (Anfuso, 1994) developed a three-pronged prescreening system using interviews, attitude tests, and reference checks. The latter involve contacting the applicant’s previous employer to determine employment responsibilities and reasons for termination. Kraft retains an outside firm to conduct the background checks.

The background check involves two issues, a potential employer’s right to information concerning an applicant’s qualifications and the applicant’s right to privacy. It is generally permissible to ask an applicant on an application or during an interview whether he or she has a criminal record. However, the fact that an applicant has a criminal record does not always mean that he or she is unqualified, nor does lack of a criminal record mean that the applicant will not become violent on the job. The record must be examined for job-related issues (Quirk, 1993).

A proper preemployment investigation must be fair to the applicant and must seek information that would protect the employer from a negligent hiring action. Some companies use diagnostic tests for preemployment assessment that attempt to evaluate specific characteristics; however, no test accurately measures an applicant’s propensity for violence. The U.S. Postal Service has explored a number of behavioral tests, but has not found one that is a true predictor of violence (Anfuso, 1994). In failing to identify characteristics that measure the propensity for violence, diagnostic tests can be challenged on the grounds of bias and for violating the **Americans with Disabilities Act (ADA)**. Passed in 1990, the ADA protects people with mental and physical disabilities,
including past substance abuse (Anfuso, 1994). Under ADA, employers risk being sued for discharging a mentally unfit or unstable employee who may pose a risk to customers or other employees (Morris and Jakubowski, 1995). Thus, the employer must be careful when denying employment or dismissing someone because of a mental disability. A federal court in Pennsylvania recently found that an employee who was discharged because her employer “perceived” her to be an alcoholic or substance abuser may have a claim against her employer under ADA (Ackridge v. Philadelphia Department of Human Resources, 1994).

In addition to taking appropriate steps to screen prospective employees, companies should develop policies and procedures to train supervisors to properly discipline and discharge employees. Employee assistance programs (EAPs) are crucial in providing outplacement services and assessing the violence potential of employees terminated for cause. EAPs and human resource approaches are based on investigating the possibility for violent incidents, ways to prevent them, and ways to control them should they occur.

The human resource team can assist in developing procedures for handling violent situations. The following short list explains how to approach a violent person during an investigation:

- Remain calm, move and speak slowly and confidently. Invite the person to go to a quiet location or place away from others. Do not arouse or excite the person.
- Be an empathetic listener. Allow the person to speak, and listen patiently.
- Let the person know you are listening. Make comments such as, “I know you’re upset,” “Let’s see what we can do to resolve the problem.”
- If an employee is terminated, be sympathetic, offer solutions or referrals for other jobs. However, listen for clues of reprisal.
- Do not get too close to the person. Allow personal space for your safety as well as the person’s dignity. In other words, “getting in someone’s face” is demeaning as well as dangerous and can cause an escalation in violence.
- Have protection personnel nearby (but not too close), in the event of violence.

A quality EAP approach provides opportunities for employees to air grievances and for open communications between management and employees. The human resource team model requires a threat management response by employees, security personnel, human resources, labor
Workplace Violence, Harassment, and Victimization

relations, corporate counsel, and other management personnel. Incorporated in this model is a threat assessment program (Fein, Vassekul, and Holden, 1995).

The threat assessment program requires three major functions. The first is identification of a potential perpetrator. This process involves defining conditions that could cause a person to become a threat. It includes determining who in the organization is responsible for investigating complaints concerning improper conduct and establishing the procedures for initiating a complaint.

The second major function of a threat assessment program is evaluation of the risks. An employee who is violent or threatening should be investigated immediately. The investigation includes interviewing the person (if a known employee), coworkers, or others who know him or her. Interviewing the person can also provide information on the situation. The purpose is to determine whether the subject has exhibited violence in the past and whether the person has been involved in criminal or civil cases since the time of employment. Obtaining information about the person’s lifestyle may also be beneficial. Information on whether he or she has a fascination with weapons, is suicidal, or has displayed anger toward others in the past is important. The person’s right to privacy may become an issue; seeking legal advice is suggested if questions are raised about background information.

Once the person has been identified and the risks assessed, the next step, and third function of the program, is intervention. This involves confronting the person. If the person has threatened a coworker, the coworker must be informed and told how to respond. If the person threatening violence is unknown, the target’s coworkers and associates need to be notified to protect them and to assist in identifying the person. Protective strategies may involve transferring the target to a more secure location within the business, offering him or her a leave of absence, assisting him or her in securing legal advice and counseling support, and providing escorts to parking areas. Employees experiencing threats from estranged spouses can be offered flex time, short-term paid leave, or extended leave without pay to seek protection and legal recourse against violence.

After a violent event occurs, employees need help in dealing with their experiences. This is the humane response, and it helps to prevent absenteeism, loss of productivity, and workers’ compensation claims. After a violent incident, the following should occur (Fein et al., 1995):

- A debriefing to discuss the cause of the violence, address a plan of action, and identify those needing further counseling should
be held with all affected employees 24 to 72 hours after a serious violent incident.

• After a serious incident of violence, a group debriefing should be held for immediate coworkers to tell them how to interact with a victim/coworker who is returning to work after an absence and to provide ongoing follow-up treatment, as needed.

• Employers should support prosecution of offenders to prevent additional incidents from occurring and to show their support for the victims.

• Employees involved in a violent incident should be allowed to make court appearances and work with the prosecution.

• Employers should cooperate with law enforcement authorities to help prevent crime and to identify and prosecute offenders.

According to Behavior Analysts and Consultants, which conducts corporate training on managing workplace violence, one of the key responsibilities of a human resource management team is assessing vulnerability to crime (Johnson, 1994). The assessment should incorporate a study of past incidents as well as the particular business and the surrounding community. With assistance from law enforcement personnel, this assessment should attempt to identify crime patterns and incidents occurring on the premises and in the immediate neighborhood. The nature of a business and its location, services, hours of operation, and so forth, should be assessed. Previously discussed studies have identified restaurants, especially fast-food restaurants, and service stations, as being particularly vulnerable to crime and disruptions.

SUMMARY

We live in a world where many people feel unimportant or disconnected. A person’s work often defines his or her relationship with and importance to society. If workers feel threatened on the job or have dysfunctional lives, violence in the workplace will continue to pose a threat. It is important to recognize that no institution is immune from violence. Therefore, planning and understanding are crucial if such threats are to be diverted. People victimized in the workplace or on private property may have legal recourse if they can establish that there was negligence on the part of the property owner or manager.
**Discussion Questions and Learning Activities**

1. List the types of workplace violence discussed by the State of California Department of Industrial Relations/OSHA.
2. List different sources of workplace violence.
3. In the cases discussed in Focus 4–1 and Focus 4–2, what could the organizations have done to prevent the harassment and/or violence?
4. What are some personal indicators (profile) of a potentially violent employee?
5. Visit a corporation or institution (hospital, post office, etc.) and interview a security manager on what programs have been implemented to address the threat of workplace violence. What evidence is there of use of the THRA model?
6. Conduct a search of news articles in major newspapers and analyze their reports of violence in the workplace. Try to determine the reasons for the violence and the type of offender.
7. Visit a law library and search the jury verdicts for your state on trials pertaining to premises liability and crime. List the types of businesses or locations where the victimizations occurred to determine whether they are located in high-crime areas.
8. Conduct a class study of events of workplace violence. Collect cases and news articles and determine whether any of the profiles or characteristics of violent employees discussed in this chapter were present.
9. Discuss the two types of claims arising from sexual harassment cases. Search news articles for cases of sexual harassment. Discuss these cases in class.
10. Why is domestic violence a threat to the workplace? Are some work environments more susceptible to violence than others?
11. Discuss the relationship between workplace violence and foreseeability.
12. Explain the association of bullying and harassment to workplace violence.
WEB SOURCES

Centers for Disease Control and Prevention.
www.cdc.gov/page.do

U.S. Department of Labor.
www.osha.gov/sltc/workplaceviolence/index.html

Violence in the Workplace.
www.cdc.gov/niosh/violcont.html

RECOMMENDED READINGS


REFERENCES


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Martin, Eric. 2005. Doctor Must Pay in Bullying Case; Heart Surgeon Owes a Former Co-worker $325,000 to Cover Lost Wages, Jury Says. Indianapolis Star, March 5.