

From the Saint Valentine's Day Massacre to Modern Workplace Safety: Protecting Your Team

Besides sending flowers or a card to your sweetheart on Valentine's Day, we like to remind our employer clients that a good way to show some love to your employees is by taking steps to protect them from workplace violence.

But first, a little history. Valentine's Day became forever linked with workplace violence in 1929 when Al Capone's South Side gang fatally shot seven members of Bugs Moran's North Side gang at a warehouse in Chicago. The incident became known as "the Saint Valentine's Day Massacre" and has been depicted in numerous movies ever since, including Scarface and Some Like it Hot. One victim, Frank Gusenberg, was still alive for a short time after the shooters fled the scene. Despite being riddled with bullet holes, when asked who shot him, he replied, "Nobody shot me," and then he died. Now known as "Tight Lips Gusenberg," he became the inspiration behind The Simpson's character "Johnny Tightlips."

Unfortunately, workplace shootings still occur on a far too frequent basis. The latest study from the Bureau of Labor Statistics reported more than 740 workplace deaths due to violent acts. In 2024, we saw 586 mass shootings including at schools, strip malls, sporting events, and hospitals and other workplaces.

Homicides are always one of the leading causes of death in the workplace for women. In 2023, women accounted for 8.5% of all fatalities but 18.3% of all workplace homicides. Yet homicide is just the tip of the iceberg. It has been estimated by the Department of Justice that 8% of all rapes, 7% of all robberies, and 16% of all assaults occurred while the victims were working or on duty. Often, the assailants are relatives or other personal acquaintances — another reason why Valentine's Day is a good time to think about your workplace violence prevention strategy. Employees in certain industries are more likely than others to be the target of workplace violence:

- retail
- health care
- rideshare and taxi
- leisure and hospitality

While workplace violence is often unpredictable, the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 654, obligates employers to provide their employees with a place of employment free from "recognizable hazards that are causing or likely to cause death or serious harm to employees." OSHA's General Duty Clause has been interpreted to mean that employers must take reasonable steps to eliminate or reduce known risks of violence. Violence at the hand of strangers has been recognized as a workplace hazard that can give rise to liability.

The website for OSHA (www.osha.gov) is a good place to look for industry-specific suggestions for the prevention of workplace violence. OSHA also provides details on its website for the steps its field staff should take when investigating an incident of workplace violence within a high-risk industry.

Based on our experience in dealing with workplace violence, we would like to offer some suggestions for proven steps you can take to reduce the risk of violence even though there are no foolproof means of absolutely preventing it.

- Conduct background checks before hiring (if not for all positions, then certainly for those dealing with children, members of the public, or for employees in high-risk occupations).
- Conduct an assessments of the workplace on a regular basis and after any workplace



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Related Practice Areas

- COSECURE
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violence event or reported near miss to: evaluate physical surroundings, security systems, lighting, parking lots, and physical barriers between employees and the public.

- Update and/or reissue a workplace violence prevention policy that:
 - States the company's commitment to a safe workplace, including a zero-tolerance plan;
 - Identifies and defines unacceptable behaviors from bullying to threats to actual criminal conduct;
 - Prohibits weapons in the workplace to the extent permitted by law;
 - Encourages employees to inform the company of any restraining orders or threats of violence against them by others outside the company;
 - Identifies persons and procedures for complaints or concerns of workplace violence and intimidation; and
 - Prohibits retaliation against those who make a complaint.

- Develop a formalized system for employees to report incidents, near misses, and concerns that can be regularly reviewed to identify risks and trends.
- Assign managers responsible to address incidents of workplace violence when they occur.
- Have a plan for investigating incidents when they occur to identify strategies to prevent future incidents.
- Adopt and encourage employees to utilize an Employee Assistance Program (EAP) that offers counseling to employees suffering from depression or other mental health impairments, and/or offers drug/alcohol treatment.
- Train supervisors on monitoring the workplace, promptly addressing bullying and harassment, and executing discipline in an appropriate and respectful manner to avoid retaliation by an employee.
- Consider developing, or contracting with an outsourced entity for, a multi-disciplinary Behavioral Threat Assessment and Management (BTAM) team responsible for the investigations, assessment, and management of any reported potential threats.
- Establish a crisis response plan in the event an incident occurs to include such issues as:
 - Who will call 911?
 - Who will handle cleanup?
 - Who will address the mental health needs of bystanders? and
 - Who will deal with benefit claims of victims?

There is no "one size fits all" prevention strategy. Like love, policies come in all shapes and sizes and must be custom fit to the needs of your workplace. But when it comes to speaking out about workplace violence, this is not a time to be a Tight Lips Gusenberg.

Happy Valentine's Day

This article was written with the assistance of Drew Neckar, CPP, principal consultant at COSECURE, an ancillary business of Cozen O'Connor that offers a range of security and workplace violence prevention services. Cozen O'Connor works closely with COSECURE to provide an integrated safety response drawing upon both the best practices of the security industry and the legal requirements where the potential threats are being countered.