Violence in the Workplace - What You Need To Know

Although dramatic multiple homicide incidents are highly publicized, they represent a very small number of workplace violence incidents. The majority of incidents that employers and employees deal with on a daily basis are cases of assaults, domestic violence, stalking, threats, harassment (to include sexual harassment), and physical and/or emotional abuse that make no headlines. And, many of these are not even reported to management. So, data on the exact extent of workplace violence are sketchy.

Like all violent crime, workplace violence creates ripples that go beyond what is done to a particular victim. It damages trust, community, and the sense of security every worker has a right to feel while on the job. In that sense, everyone loses when a violent act takes place, and everyone has a stake in efforts to stop violence from happening.

Employers have an obligation under the General Duty Clause of the Occupational Safety and Health Act to provide a work environment free from threats and violence. This can be accomplished when employers commit to the following:

• Adopt a workplace violence policy and prevention program, and communicate the policy and program to employees.
• Provide regular training in preventive measures for all new/current employees, supervisors, and managers.
• Support, don't punish, victims of workplace or domestic violence.
• Adopt and practice fair and consistent disciplinary procedures.
• Foster a climate of trust and respect among workers and between employees and management.

When necessary, seek advice and assistance from outside resources, including threat-assessment professionals, social service agencies, and law enforcement.

Employees play a role in workplace violence prevention as well. They should:

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• Accept and adhere to the employer’s preventive policies and practices.
• Become aware of and report violent or threatening behavior by coworkers.
• Follow procedures established by the workplace violence prevention program, including those for reporting incidents.

As attention to the issue grows, safety pros agree that responding to workplace violence requires attention to more than just an actual physical attack. So, a workplace violence prevention program will be ineffective if it does not consider harassment, threats, and abuse of all kinds. A successful workplace violence prevention program must include training in violence prevention, threat detection, threat assessment, and threat management. And, in fact, this training should become part of the workplace culture.

Source: Safety National, first printed in the The Friday Flash, a publication of First Benefits Insurance Mutual (FBIM).

How Does Workers’ Compensation Insurance Respond to Violence in the Workplace?

Workplace violence is something we have become accustomed to seeing on television from time to time. We are all familiar with highly publicized instances where an individual/individuals inflict serious bodily harm, and even death, at worksites. The threat of workplace violence is real, although many of the instances workers are exposed to are much smaller in scale. Regardless of the size of the incident, workers’ compensation insurance has stipulations as to when coverage for injuries sustained in a workplace violence episode will apply.

Injuries that are sustained due to a workplace dispute are generally considered to be compensable under workers’ compensation. But this is only if the dispute that led to the injury is related to employment. The employee must have been acting within the scope and duties of his or her job when the injury occurred. Here are examples of when coverage applies and when it does not:

1. Joe and Jack work for ABC Company on an assembly line. The assembly line pushes product at a specific pace and each man must keep up with the product rolling off the line. Joe is nagging Jack about keeping up the pace and not falling behind. Jack has heard enough from Joe and gets mad and punches, him breaking Jack’s jaw. Jack’s injury would be considered compensable as it is directly related to employment.

2. Joe and Jack work for ABC Company on an assembly line. Each Friday night after work, Joe and Jack join some other employees from ABC Company and have poker night. Last Friday night Joe had a run of bad luck and Jack loaned him $200 until Monday to cover his debts. On Monday morning at work Joe tells Jack he can’t pay him and Jack punches Joe, breaking his nose. Joe’s injury would not be compensable, even though it occurred at work. The injury was not directly resulting from employment.

The role of workers’ compensation can be significant when it comes to workplace violence. The key thing to remember is that resulting injuries from workplace violence must be as a result of employment.

A random act of violence outside the scope of employment will typically not be compensable under workers’ compensation.

Source: Richard Suddarth, Vice President of Marketing and Administration for First Benefits Insurance Mutual (FBIM), a CFIC member service. Learn more at http://cficweb.org/membership/member-services/.

Quiz

Test What You Know

Choose the correct response to the following statements.

1. According to the U.S. Bureau of Labor Statistics, roughly 8 million workers are injured every year. True ☐ False ☐

2. The National Institute for Occupational Safety and Health has estimated the annual cost of workplace violence on employers at $121 billion. True ☐ False ☐

3. Dramatic multiple homicide incidents represent a very large number of workplace violence incidents. True ☐ False ☐

4. Employees don’t play much of a role in workplace violence prevention. True ☐ False ☐

5. A successful workplace violence prevention program must include training in violence prevention, threat detection, threat assessment, and threat management. True ☐ False ☐

ANSWERS

According to the Bureau of Labor Statistics, roughly 2 million workers are injured every year.

The National Institute for Occupational Safety and Health has estimated the annual cost of workplace violence on employers at $121 billion.

Dramatic multiple homicide incidents represent a very small number of workplace violence incidents.

Employees play an important role in workplace violence prevention.

A successful workplace violence prevention program must include training in violence prevention, threat detection, threat assessment, and threat management.
A TED Talk’s Roadmap for Staying Calm When an Active Shooter’s at the Door

Written by Travis Vance

An armed gunman just entered your workplace. You’re under stress. What is the first thing you and your management team do?

• Does someone call the police?
• Do you run? Fight? Hide?
• Is there a security guard? What does he or she do?
• What do your employees do?
• Do you know the precise, step-by-step actions that you would take?
• Do you have a system in place to minimize the likelihood of a catastrophe?
• How do you handle the stress?

Several recent terrorist attacks shocked the U.S. and the world. A December 2, 2015, massive shooting in San Bernardino, California, was especially frightening, not only because it occurred on American soil, but because it happened at a workplace during a holiday party. It reminded us that workplaces are not a sanctuary from tragedies. They can happen anywhere, to any employer.

San Bernardino led to a flood of calls to our workplace safety attorneys seeking advice on preparation for such emergencies. Clients wondered how do they prepare? How do they train their employees? What written emergency response program is required?

In many circumstances OSHA requires employers to implement an emergency action plan (EAP) to handle responses to these situations. While some employers believe they’re immune from this mandate, its application is broader than most believe.

Emergency Action Plans (EAP)

A written emergency action plan must be implemented by employers with over 10 employees when required under one of several OSHA standards that trigger EAP obligations, such as:

• Process Safety Management (29 CFR 1910.119),
• Grain Handling (29 CFR 1910.272), and
• Ethylene Oxide (29 CFR 1910.1047).

In addition, if fire extinguishers are required or provided in your workplace, and if anyone will be evacuating during a fire or other emergency, OSHA (29 CFR 1910.157) requires you to have an EAP. (If you have less than 10 employees, you can communicate an EAP orally.)

At a minimum, the EAP must include the following elements set out in 29 CFR 1910.38(c):

• the means of reporting fires and other emergencies;
• evacuation procedures and emergency escape route assignments;
• procedures for employees who remain to operate critical plant operations before they evacuate;
• accounting for all employees after an emergency evacuation has been completed; rescue and medical duties for employees performing them; and
• names or job titles of persons who can be contacted.

Would Your EAP Cover an Active Shooter Situation?

• Is your EAP broad enough to cover management of an active shooter situation?
• Do employees know what to do if such an emergency arose?
• Have you rehearsed your response to such a situation?
• More importantly, do you and your management employees know how to handle the stress of this type of situation?

A TED Talk’s Roadmap for Emergency Management

In his dynamic TED talk entitled “How to Stay Calm When You Know You’ll be Stressed,” found here, Daniel Levitin recalls the stress he experienced after locking himself out of his home and nearly missing an international flight. The eight-hour flight, during which he never slept because his tardiness led to his reassignment to a seat near the lavatory, gave Levitin time to ponder systems to handle stress under emergency circumstances. He wondered if we could attempt to mimic such stress before the emergency arose, so that stress would not affect our decision-making skills once the incident actually occurred.

Levitin questions why organizations conduct “post-mortem” examinations of disasters after the accident occurs to see what went wrong, but nearly never perform a “pre-mortem” analysis. In a “pre-mortem” examination, companies can look ahead and try to “figure out all the things that could go wrong, and then try to figure out what you can do to prevent those things from happening, or to minimize the damage.”

When you’re under stress, Levitin claims, the brain releases “cortisol, a toxic, which causes cloudy thinking.” A "pre-mortem" continued on page 6
Message from the Executive Director

By now, you should have received an electronic copy of the CFIC Convention brochure and registration form and we hope you’re excited to attend in July! Make sure to join us for the Opening Session on Friday morning with keynote speaker Eric Boles—you will not want to miss him! Eric is a former NFL player and delivers a truly inspiring message, and I highly recommend that you and your team join us for this special session. Following Eric’s keynote address, retailers and sponsors will have two full days available for One-On-One meetings. Independent grocers will want to be sure to attend the breakout sessions: Joe Moody from Everything Marketing will talk about harnessing the power of customer data and Maggie Lyons from the National Grocers Association will discuss how to comply with many of the new federal regulatory requirements. Jeanne Eury from the CFIC staff will walk independent grocers through the process of making sure their stores are visible on Google Maps. Saturday morning, suppliers are invited to the Executive Briefings delivered by senior leadership from Lowes Foods, Food Lion, and Harris Teeter. We’ll cap off the convention with the Saturday night banquet dinner and the opportunity to bid on two slots at our chain grocers’ locations in the Live Auction. Following the dinner (and weather permitting), CFIC attendees can gather on the Hilton lawn for an evening social.

On the legislative front, South Carolina is mid-way through session and bills are moving slowly in advance of the November elections. This is a good thing when there’s legislation for the industry to stop, like a proposed bottle bill, but it’s also a bad thing when there are items on our proactive agenda that we’d like to pass such as reentry passes following a state of emergency or disaster. North Carolina is gearing up for its legislative session which starts on April 25 and among the legislative priorities is to address the sales tax on maintenance, installations and repairs of tangible personal property that went into effect on March 1.

As always, we love to hear your input, so please don’t hesitate to email me at lindseyk@cficweb.org if there’s anything we can do to add value to the convention or if there’s a legislative or regulatory issue that we can help you with.

Lindsey

Opportunity for Retail Involvement in Emergency Exercise

Written by Lexi Arthur

On behalf of North Carolina’s retail merchants, NCRMA and CFIC actively participate in the North Carolina Emergency Management’s (NCEM) efforts during times of emergency or disaster. As a chair of the Business Operations Emergency Center (BEOC), I am your member representative. In the NCEM’s quarterly Energy Emergency Working Group meeting on March 14, I learned about a potential opportunity for retail merchants to participate in a grid security exercise.

One topic of interest was GridEx III, a grid security exercise held by North American Electric Reliability Corporation (NERC). In a nutshell, the exercise helps industries, particularly the electric industry, prepare for unexpected or unplanned events that could compromise the Bulk Power System. Eventually, the NC Business Emergency Operations Center (BEOC) may participate, allowing NCRMA/CFIC and our members to have greater insight on how an attack, whether cyber, physical, or deliberately to the electric grid, would affect our

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MINUTE WITH A MEMBER

Preston Taylor, Piggly Wiggly

Preston Taylor has served on CFIC’s Board of Directors since 2011. Preston owns and operates three Piggly Wiggly stores (two in Jacksonville, NC, and one in Maysville, NC) and celebrated his 24th year in business on March 18.

Q: What magazines/blogs do you read?
A: Supermarket News, Progressive Grocer, Shelby Report

Q: How do you take your coffee?
A: Black

Q: What do you do to unwind after a long day?
A: I love to spend time with my grandkids (ages 6 and 8).

Q: What do you love about your job?
A: Interacting with people!

Q: What is one thing on your bucket list?
A: To go to Paris.

Q: Why grocery?
A: I walked into a Winn-Dixie on my 16th birthday, not even looking for a job. I was hired that day to stock shelves and almost got fired that same day after not stocking the dried beans correctly! I’ve been in it ever since!

Mack McLamb, Carlie C’s IGA

Mack McLamb is CFIC’s 2nd Vice Chairman and has served on the CFIC Board of Directors since the council was founded in 2004. In 1961, Carlie C and Joyce McLamb opened Carlie C’s IGA in Johnston County. Mack, their son, now owns and operates the family business, which now has 17 locations in the Raleigh-Fayetteville region of the state.

Q: What magazines/blogs do you read?
A: Supermarket News, Progressive Grocer, Daily Bread

Q: How do you take your coffee?
A: I don’t drink it.

Q: What do you do to unwind after a long day?
A: I like to relax by watching TV—sports and Shark Tank usually.

Q: What do you love about your job?
A: The people!

Q: What is your life mission?
A: To bless and love the communities we serve.

Q: Why retail?
A: I was called to it!

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analysis recognizes that “under stress you’re not going to be at your best, and you should put systems in place.” The idea is to think ahead to what those failures might be and prepare for them.

**Implementing Lessons from Levitin’s Talk into Your EAP**

Levitin’s talk shows us that a written EAP alone is not enough to handle an emergency like an active shooter situation. In addition to having a written program, ensure your employees know exactly what to do if an emergency occurs. Rehearse these situations. Have a list of tasks for each employee to conduct once an incident arises. Make sure every task that must be completed during a response is considered.

More importantly, simulate the stressful environment that accompanies an emergency before it actually occurs. In your rehearsals, go over the things that could go wrong:

- No one can reach a phone.
- A key member of management is injured.
- The primary exit route is blocked.
- An alarm system is disabled.
- The active shooter is an employee.

As Levitin explains, mimicking these stressful situations will better prepare your management to handle an emergency situation. Preparing to handle issues and make decisions while under stress will help keep your team safe.

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**What are the Laws Around Workplace Violence?**


Employers may file for civil no-contact orders in district court on behalf of an employee who could be subject to harassment, threats, or bodily injury at the employer’s workplace. This legislation was intended to address situations in which an employee was afraid of pursuing a restraining order against another person. Employers are prohibited from firing, demoting, denying a promotion to, or disciplining an employee because the employee took reasonable time off work to obtain, or attempt to obtain, an order to protect themselves from actual or threatened violence. An employee must follow his employer’s usual time-off policy or procedure, unless an emergency prevents the employee from doing so.

**South Carolina:** Workplace Domestic Violence Policy - SECTION 1-1-1410.

Every state agency, based upon guidelines developed by the Office of Human Resources, Department of Administration, shall develop and implement an agency workplace domestic violence policy which must include, but is not limited to, a zero tolerance policy statement regarding acts or threats of domestic violence in the workplace and safety and security procedures.

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Written by Lexi Arthur, Assistant Director of Government Relations

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**Emergency Exercise continued from page 4**

members, and best practices for creating a plan. If your company has any interest in participating in this exercise, please email me at lexia@ncrma.org.

There are two ways to partake. Participation is from both internal partners, such as utilities, and external partners, which include industries outside electric and utilities. A company can observe and discuss various aspects throughout the exercise, giving employees and decision makers an opportunity to create a preparedness plan within the company. A company could also be an active participant, allowing for a higher level of planning within the company.

Involvement across the board has tremendously grown over the past several years. In fact, participation has doubled each time the exercise has been held (2011, 2013, and 2015). The next exercise is scheduled for 2017, and it seems the training resources will only improve. During the most recent exercise on November 18-19, 2015, there was a variation of fabricated cyber and physical attacks on utility industry assets. A simulation website was created for fictional news releases, twitter feeds, media stories on CNN, etc.

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Source: Travis Vance is Of Counsel in the Charlotte office of employment law firm Fisher & Phillips LLP. He also counsels employers on OSHA issues, including supervisor training, compliance and citation defense. He can be reached at 704-778-4163 or www.laborlawyers.com.
Do you have “consumer” eyes or “retailer” eyes? Curious what the difference is?

As a consumer, you view and react to retail spaces much more subjectively and selfishly...which is absolutely okay. After all, you are a consumer so it’s all about “you.” And let’s not forget... chances are it’s your own money you are deciding to spend or not.

As a retailer, you view and react to retail spaces from an operational perspective, and while you often consider how your customers may respond it’s typical to still be selfish and subjective in your retail behavior. After all, you have to do the displays, clean the shelves, stock the tables, etc. You have a long list of work to get done in order for your store to come to life...so shortcuts may happen...right? Or maybe not. Every retailer has his/her own habits, after all.

Here’s a thought, though...What would happen if you walked through your own store as a consumer and forgot about all those extra details you have to care about as a retailer?

Try to do this without too much emotion. We know it’s your store... but how can you react to it from a customer’s perspective if you are sentimental about it from your own perspective? Truly try to remove yourself and take on the role of a consumer who more often than not experiences your store fast and furiously.

Be just as assertive or quick to judge or simply pass something by as you would if you were a consumer in any other store...minus all that retail knowledge you may have. Ignore things that look bad, take notice of things that look good and experience your store as a real customer would. Now do this exercise again, except this time take clear notes of your entire experience.

Identify the following:

1. What strikes you as most appealing in your store? Why?
2. What strikes you as least appealing? Why?
3. Are there any distractions in your store that take away from you shopping or wanting to browse the store – whether people, noise, displays or anything else?
4. What did it feel like when you first entered the store? Explain your emotional reaction, such as “welcoming”, “claustrophobic”, “engaging”, “distracting”, or anything else you may feel.
5. What items look out of place?
6. What items stand out the most and why?
7. What items strike you as should be “on sale” or completely removed from the store assortment?
8. Are there any items that you don’t see, but would make sense with your current assortment?
9. How do the displays lend themselves to you engaging as a customer?
10. What merchandising areas are easy and welcoming to shop?
11. Which ones are not easy or welcoming to shop?
12. Is the store clean – including dusted?
13. What impression does your store restroom give off as a customer observing it?
14. How does your store signage measure up? Is it easy to identify what is on sale, store policies, special announcements and more?
15. Do your walls need a fresh coat of paint?
16. Are there visible areas of your store that look unkempt or need any repair?
17. Do your fixtures overpower your inventory or restrict customers from shopping and engaging your items?
18. How does your store signage measure up? Is it easy to identify what is on sale, store policies, special announcements and more?
19. Does your stock room trickle onto your selling floor?
20. What is your ultimate, final impression of your store after experiencing it as a customer?

Often, this exercise opens up retailers eyes and brings things to light they have been ignoring. Other times they still only see what they want to – and ignore what they want as well. Of course, there are many retailers who are doing it right, so this exercise isn’t necessary. But reminding yourself to wear your customer’s shoes and view things as they do is a great practice. Asking store associates and trusted allies can also bring things to your attention that you may not notice otherwise. In the end, you will gain a stronger understanding of your store and your customer – two strengths in delivering outstanding experiences and gaining sales for your store!

Source: from Retail Minded Magazine, May 2014
ANNOUNCEMENTS:

Retail TAP Talks, Morrisville....................... April 7
CFIC Board Meeting, Charlotte....................April 19
Retail TAP Talks, Charlotte......................April 21
NC Food Safety & Defense Task
Force Food Safety
Conference........................................ May 11-12
Early Bird Registration Deadline..............May 13
Hotel Registration Deadline...................June 1
CFIC Convention..................................July 21-24