SEPTEMBER 2018 • Vol.5 • No.09



## HRLegal & Compliance Excellence

## HOW NOT TO GIVE UP ON ADDICTION IN THE WORKPLACE

A clear, written drug and alcohol policy at work is key

- Sue Bright

Protecting Investments In People And IP While Avoiding Criminal Sanctions - Roxann E. Henry and Eric Akira Tate

How To Incorporate A Culture Of Cybersecurity Into Your Business? - Kim Del Fierro

Best Practices For Summer Workplace Challenges - Beth P. Zoller How To Protect Your Organization From Fraud? -Ann Nickolas



SEPTEMBER 2018 » Vol.5 » No.09

### On the cover

#### 05 How Not To Give Up On Addiction In The Workplace

A clear, written drug and alcohol policy at work is key- Sue Bright



### <u>Features</u>

Protecting Investments In People And IP While Avoiding Criminal Sanctions Key takeaways - Roxann E. Henry and Eric Akira Tate

How To Incorporate A Culture Of Cybersecurity Into Your Business? 3 steps to follow - **Kim Del Fierro** 

Best Practices For Summer Workplace Challenges How to communicate the summer dress code policy to employees? - Beth P. Zoller

How To Protect Your Organization From Fraud? Implementing clean desk policy in your workplace - Ann Nickolas

## **Articles**

- 08 ACA-Related Data: New Insights On Retention, Benefits, And Gender Equity Challenges How employers can leverage their own ACA data - Michael Showalter
- A Global Guideline For
  Workplace Violence
  How prepared are you?
   Umesh Mehta
- 23 Uh Oh. Your Employee Says S/he Was Harassed And S/he Has Recordings Top takeaways to ensure your policies are effective - Janette Levey Frisch
- 29 Should Employees Be Paid For Wellness Activities? What does the DOL Opinion Letter say - Eric Athey

 $\mathbf{20}$ 

26

32

 Background Check: How Much Do You Really Want To Know?
 Factors to consider
 Spencer Waldron

# A Global Guideline For Workplace Violence

## How prepared are you?

### By Umesh Mehta

According to Occupational Safety and Health Administration (OSHA) publication, under US Department of Labor, workplace violence is violence or the threat of violence against workers. It can occur at or outside the workplace and can range from threats and verbal abuse to physical assaults and homicide, one of the leading causes of job-related deaths.

### Incidences of Workplace Violence in India

June 2018 - Japanese company's HR head shot at, sacked employee suspected

March 2012 - Maruti Suzuki's General Manager Human Resources was burned to death in the violence in its car plant here allegedly triggered by workers yesterday for which 91 workers were arrested.

March 2011 - DGM (Operations) of Graphite India Ltd – Powermax Steel division, was killed when some suspended workers staging 'dharna' outside the plant at Bolangir (Orissa) stopped his car and allegedly set it on fire.

**September 2009** - the Vice President (HR) of an auto manufacturing company was killed by a group of sacked workers in his cabin in the company's unit about 20 km from Coimbatore.

**September 2008**- at Greater Noida, the CEO and Managing Director of Cerlikon-Graziano Transmission India Pvt. Ltd was killed by agitating workers.

### Global Guidelines for Workplace Violence

As per OSHA Guidelines A written program for workplace violence prevention, incorporated into an organization's overall safety and health program, offers an effective approach to reduce or eliminate the risk of violence in the workplace. This should include:

(1) Management commitment and employee participation, (2) Worksite analysis, (3) Hazard prevention and control, (4) Safety and health training, and (5) Recordkeeping and program evaluation.

### Pinkerton on Workplace Violence

Some key aspects to look into while firing an employee or shutting down operations at a site include:

Profiling of individuals before hiring. Conducting background verifications before hiring is the first step towards mitigating workplace violence risk. Frequent unexplained job changes, past violent behavior, etc. show early signs of risks which if undetected, can lead to an untoward incident in future. Besides the basic document related checks, individual's social media profiling can also help to understand his profile to large extent.

Communication: Understanding your employees is very important, organizations should have open and relaxed communication lines. Supervisors should be encouraged to regularly interact with their subordinates, have clear understanding of the personalities



of their team members and immediately report unusual behavior to Human Resource (HR) team.

Geo-political analyses of the location: Conducting thorough threat assessments to find out if any incidences have occurred in the past due to labor unrest, disturbances requiring local law enforcement agencies' intervention, comfort level of locals with various businesses operating in their vicinity and local demographic setup will provide key insights.

Understanding of Labor Union dynamics. Even if firing of employees is desired, it is better to have a team of management representatives to conduct the dialogue, rather than have a single individual conduct the process. In case layoffs or a potentially troublesome termination is scheduled, the company should communicate this to security and even involve the local law enforcement beforehand, to prevent the situation from escalating.

Having employees trained for specialized situations: Though it is primarily a HR matter; however, for events such as conducting layoffs, closure of operations, etc. it is crucial that other staff members like operations head, supervisors and managers are trained on handling such situations. Such trainings should be followed by regular practices through mock drills or scenario based exercises to keep everyone ready for any eventualities. One wrong statement can have significant implications, therefore it is imperative that only trained and responsible members of the management are allowed to interact with employees.

It is of paramount importance to have an effective crises management plan and building evacuation plan in place, in case an incident occurs. Once the decision has been made, it is important that HR and involved management representative should have clear communication and counselling regarding job compensation and related aspects, with the affected employees.

It is important to have defined programs and policies to build awareness among employees regarding workplace violence. These should be backed by defined channels to report incidences and have an effective grievance addressal system in place.

Finally, all policies and the overall organization environment should promote zero-tolerance regarding harassment and violence. Ensure timely and stringent action against the violators to deter any future occurrence of such issues.



Umesh Mehta is the Executive Director, India at Pinkerton. As the Executive Director, he leads all of Pinkerton India for their Risk Consulting and Investigation practice. Umesh leads multiple teams, which specialize in their core domains of investigations, due diligence, intellectual property rights, security management, and response services.



Would you like to comment?