



# WORKING IN THE “AGE OF RAGE”

## WORKPLACE VIOLENCE PREVENTION FOR BREWERIES

### PART III: PREVENTION & RECOVERY

Employers have a legal responsibility to create a safe working environment for their employees. In the context of workplace violence, this means taking necessary preventative measures to reduce the likelihood of a violent act occurring. Should the unthinkable happen, employers also have to be prepared to assess, make changes, and support their employees through the recovery process.

#### PREVENTATIVE STEPS FOR LEADERS

As mentioned in Part I: Recognizing the Signs, there are several common characteristics of employment in a brewery (exchanging money with the public, working where alcohol is served, working late at night, etc.) that lend themselves to increased risk for workplace violence from other employees or patrons of the establishment. It is an employer’s duty to have a plan in place and ensure that their team is equipped with the training and resources needed to respond to a threat should they need to.<sup>1</sup>

- Develop a **workplace violence prevention and response plan** that includes managers duties to address any actual violence or threat of harm, behaviors that are not acceptable in the workplace, and procedures for reporting and responding to concerning or violent behaviors. All employees should be thoroughly trained in executing the plan.
- Create a system for reporting incidents of workplace violence or behavioral concerns and ensure that no reports of concerning behavior lead to negative consequences for the reporter. Tools such as Red Flag Reporting give employees a safe place to report concerning behaviors. For more urgent violent matters employees should be instructed to contact the owner, manager, Human Resources representative, private security, police, or 911, immediately. Train employees to document all necessary information related to an incident, including:
  - o The offender’s name and relationship to the business (employee, customer, etc.)
  - o The specific behaviors that occurred, if a weapon was used, and what kind
  - o Witnesses to the incident
  - o Date, time, and location of the incident
  - o Response implemented by the employee
- Investigate all reports of concerning behavior and respond immediately based on the severity of the situation. Provide support to employees that have been the target of or witness to aggressive behavior.
- Train employees on de-escalating disruptive behaviors and responding to critical violent incidents. Raise awareness of potential and evolving threats and offer procedures to avoid harm. (e.g., what should you do if a dispute erupts between two upset co-workers with longstanding personal grievances, or what if an employee’s abusive spouse or romantic partner shows up at the workplace bent on harm?)
- Train employees to recognize the signs of overconsumption and how to cut-off patrons who are in danger of overconsuming without escalating the individual’s behavior. Training programs such as TIPS can be an excellent resource for employees.

<sup>1</sup> “Recommendations for Workplace Violence Prevention Programs.” Workplace Violence. Occupational Safety and Health Administration, 2009. <https://www.osha.gov/sites/default/files/publications/osha3153.pdf>.

- Implement security measures which may include hiring private security; installing cameras, alarms, improved lighting, locks, or proxy card entry on access points, and panic buttons; and/or establishing a relationship with local law enforcement officers that can help in the case of an emergency. Have a contact sheet readily available so that the information is easily accessible or encourage employees to keep the contact(s) in their phone.
- You may choose to establish a code word/phrase employees can use to signal someone nearby to get help without alerting the aggressor.
- Designate emergency evacuation route(s) and ensure all employees know them.
- Train employees on cash register safety, including keeping the cash register closed when it is not being used, not counting cash in front of customers, and locking up the facility prior to balancing the drawer at the end of the night.<sup>2</sup>
- Encourage employees not to leave the facility alone at night. There is safety in numbers and employees leaving the facility after dark may want to leave in pairs or small groups.
- Employers may wish to form a “crisis management” or “threat assessment” team to reassess safety of the premises.
- Employers can heighten pre-employment screening efforts, within the strict bounds of the law, to determine whether a job candidate may have a propensity toward violence.

Implementing the above ensures your team feels safe in the workplace and prepared in case of an emergency.

## RECOVERING FROM WORKPLACE VIOLENCE

- Understand that members of your team will have varying degrees of emotional response. Offer empathy, understanding, and resources to cope with the effects of the incident.
- Evaluate whether the appropriate preventative measures and responses occurred. Consider how systems can be improved.
- Take control of the story: If an act of violence occurs at your brewery, communicate with media outlets from the beginning (to prevent misinformation) and consider making a public statement, when appropriate, in order to protect your brewery’s image. Staying on top of the media’s reaction to an incident will make things easier on any employees affected and also minimize potential damage to your reputation. Depending on the situation this can also be a way to show solidarity for your staff.
- If your company offers an Employee Assistance Program (EAP), make this known to employees so those affected by workplace violence may seek counseling as part of recovery. It can be difficult to assess the effect of trauma on an individual after experiencing a violent act, but oftentimes providing support and resources related to counseling or therapy can help immensely. Depending on the type of situation, optional group therapy for staff might also be useful to help the recovery process and make the transition back to work easier.

## LEGAL CONSIDERATIONS REGARDING WORKPLACE VIOLENCE

**Occupational Safety and Health Act (OSHA):** Private sector employers have a general duty to safeguard employees from recognized hazards which may cause serious harm or death.

**Weapons on premises:** Private property owners generally have the right to regulate their own premises. Therefore, business establishments can prohibit weapons – including firearms or other deadly weapons – on work premises by employees or visitors. However, a number of states have “parking lot” laws permitting persons to store weapons in their personal motor vehicles on an employer’s business premises.

**Negligent hiring or retention:** Employers owe a duty of care to employees and others to protect them from foreseeable harm caused by an employee or persons with whom their employees interact. Therefore, hiring or retaining an employee whom we know or should have known could cause harm to another can constitute negligence.

<sup>2</sup> “Young Worker Safety in Restaurants ETool.” United States Department of Labor. Accessed April 4, 2023. <https://www.osha.gov/etools/young-workers-restaurant-safety/serving/>.

**Workers' compensation:** Typically, the exclusive remedy for the personal injuries sustained by an employee in the course and scope of their job is state workers' compensation benefits.

**Anti-discrimination laws:** Aggressive, violent behavior toward co-workers can constitute unlawful harassment in violation of federal and state civil rights laws.

**FMLA and other leave laws:** Under the federal Family and Medical Leave Act, covered employers must grant eligible employees up to 12 weeks off for incapacity due to a serious health condition. Physical or mental injuries resulting from workplace violence could constitute serious health conditions for which employees may take time off. Notice is required by employees and employers may require medical certification of the need for leave. Also, under many states' laws, covered employers must grant eligible employees paid sick leave to protect themselves or an immediate family member from domestic violence.

**FOR ADDITIONAL INFORMATION GUIDANCE ON WORKPLACE VIOLENCE PREVENTION,  
SEE ALSO:**

- Working in the "Age of Rage": Workplace Violence Prevention for Breweries - Part I: Recognizing the Signs
- Working in the "Age of Rage": Workplace Violence Prevention for Breweries - Part II: Responding to the Threat