

MEMORANDUM

TO: TOM FREEDMAN, MARY SMITH

FROM: JULIE MIKUTA

RE: WORKPLACE CRIME

DATE: JULY 16, 1997

① Public
Spaces
black
giant
② shelters
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SUMMARY

This memo summarizes studies that have been done on workplace violence. The Occupational Safety and Health Administration (OSHA) published draft guidelines for preventing workplace violence for retail establishments in March, 1996. Other organizations have created similar guidelines, but they will not pursue recognized stamps of approval due to the fear of lawsuits from employers who follow programs but are still victims of violent crime. The DOJ is only just starting to fund or study programs that focus on a place (i.e. the workplace). Two bills are pending before Congress on this issue. Attached are two charts describing job-related homicides.

STATISTICS ON VIOLENCE IN THE WORKPLACE [From the OSHA Workplace Guidelines Draft (most statistics are from the Bureau of Labor Statistics)]

General information

- Homicide is the second leading cause of death to American workers (behind automotive accidents), and the leading way in which women are killed in the workplace. In 1994, 1,071 workers were homicide victims (16% of the total fatal work injuries in the U.S, and down from 1,074 in 1993). Half were involved with robberies of small retail establishments (including grocery or convenience stores, restaurants and bars, liquor stores, fast-food restaurants and gas stations).
- Shootings account for 80% of fatal workplace assaults.
- Robbery is the motive in 75% of homicides.
- In 1993, about 21,300 workers were injured in nonfatal assaults in the workplace.
- A Bureau of Justice Statistics report (1994) found that about 500,000 victims of violent crime in the workplace lose an estimated 1.8 million workdays each year and over \$55 million in lost wages, not including days covered by sick and annual leave.
- A poll taken by the Society of Human Resource Management of human relations personnel

(Dec, 1993), found that 28% of companies have a formal plan aimed at preventing violence or dealing with its aftermath; 22% have plans to introduce such a strategy.

The victims

- Men account for 82% of all homicide victims in the workplace.
- Women account for 53% of homicides reported in the retail trades.
- African Americans, Asian Americans, and other minority races comprise an eighth of the work force, but constitute a fourth of all workplace homicide victims.

Killings by Co-Workers

A growing number of workers are killed by their colleagues or former colleagues who have some sort of grievance. In 1995, 88 employees were killed by co-workers; the numbers for 1993 and 1994 are 59 and 49 respectively, according to the Bureau of Labor Statistics. [WP 7/13/97]

STUDIES OF WORKPLACE CRIME

DOJ Study: Preventing Crime (Feb, 1997)

Chapter 7 of the study focuses on “place” crime. It summarizes the relevant studies, very few of which have been funded by an OJP-related agency. These are the key findings regarding workplace crime:

- Several studies conclude that most of crime is clustered in a few places. The concentration of crimes at a few places is relatively stable over time (7-1).
- Studies done by the National Association of Convenience Stores (1991) found that closed circuit television or video monitors decrease robberies, although their methods are somewhat questionable. (7-20)
- A 1975 study found that implementing various types of prevention devices reduced robberies by 30% in convenience stores that had had at least 2 previous robberies (considered important because of the concentration of crime mentioned above).

Other Studies

- In 1993, the National Institute of Occupational Safety and Health (NIOSH) identified 6 factors that increase the risks of homicide in the workplace. These are: exchange of money with the public; working alone or in small numbers; working late at night or early morning; working in high crime areas; guarding valuable property or possessions; and, working in community settings.

- A study of convenience store robberies done for Southland Corporation (owner of 7-Eleven), found that robberies are not randomly distributed, but robbers are selective in their targets. Prime targets: have large amounts of cash on hand, an obstructed view of counters with inattentive clerks, poor outdoor lightning, and easy escape routes.
- Studies conducted by the State of Florida's Attorney General's office and the State of Virginia's Crime Commission found that the five most deterrent features of a store are: many customers, heavy traffic in store front, two clerks (the primary deterrent), a visible back room where another clerk might be, and a male clerk. An ordinance was introduced in Gainesville requiring two clerks to be on duty. Robbery was reduced by 92% between the hours of 8:00 pm and 4:00 am.
- The Institute for Public Policy and Management (Univ of Washington) is currently processing data collected from 5000 employers in Washington State. The purpose of the study is to find out to what extent violence is a problem, and what employers are doing about it.

PREVENTING WORKPLACE CRIME

The OSHA draft guidelines

GUIDELINES BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OHSA)

In March of 1996, OHSA released draft guidelines of steps night retail companies can take to safeguard. They name four main components to any effective program for preventing workplace violence:

1. Management commitment and employee involvement and feedback, including a written program;
2. Worksite analysis to find existing or potential hazards for workplace violence;
3. Hazard prevention and control, including physical changes to the workplace (e.g. video surveillance cameras, bullet proof enclosures), and development of comprehensive work procedures and appropriate training to make the way jobs are performed safer (e.g. keeping cash levels low, maintaining alarm and lighting systems).
4. Training and education.

The OHSA offers a free consultation service for employers interested in implementing a workplace violence prevention program. The service is targeted at smaller companies. The draft guidelines also include a 13-item checklist to guide companies in the creation of a violence prevention program.

Although the guidelines are voluntary and don't have the clout of workplace standards, OHSA

notes that employers have some responsibility to implement them. Section 5(a) of the Occupational Safety and Health (OSH) Act of 1970, "General Duty Clause" is the basis for the OSHA enforcing its behavior in this area. Employers can be cited for violating this clause if there is a recognized hazard of workplace violence in their establishments and they do nothing to prevent or abate it. The OSH Act is careful to avoid infringing on the ability of employees to make claims under workmen's compensations law.

The OSHA published guidelines for health care and social service workers prior to these publishing these draft guidelines (more assaults occur in the health care and social service industries than in any other).

The threat of lawsuits if a company doesn't have a violence prevention program may encourage employers to implement such a policy, but other lawsuits may occur if there is no system to implement the policy.

The National Retail Foundation is very concerned these guidelines, although voluntary, will increase litigation, OSHA intrusion, and penalties, yet be ineffective in making the workplace safer.

The National Association of Convenience Stores

The National Association of Convenience Stores (NACS) adopted a program in 1987 for use nationwide based on the results of the Southland study mentioned above. The goal is to make the target less attractive ("target-hardening") by improving visibility and lighting; maintaining low cash in the cash register; posting signs about low cash; altering escape routes and training employees in not resisting. NACS has a membership of 94,000 stores nationwide and has worked for the past 10 years to promote the program through education sessions and publications of security issues.

EXAMPLES OF BUSINESSES THAT HAVE REDUCED CRIME

Southland Corp (owner of 7-Eleven) cut its rate of store robberies in half in the past two decades by using techniques described above. [WP 7/17/97]

Hardee's "zero tolerance violence program: in 1992, the 3,500-restaurant chain instituted a program that includes an anonymous, toll-free tip line and employee training. As a result, robbery-related violence has decreased an estimated 83% through this year, said Francis D'Addario, loss prevention director. The company spends nearly \$3 million a year on prevention and security, and its program includes training on personal safety outside the workplace.

DuPont began a personal-protection program in 1986 that has won several awards. It comprises a training program and a Corporate Threat Management Team. The company also provides an 8-hour rape prevention program.

Kraft General Foods Company uses a three-pronged pre-screening process for potential

employees, which comprises behavior-based interviewing, thorough reference checks and attitude tests. Use of an outside firm has helped to increase the information it can obtain about employees. Kraft also uses a video training program. (Personnel Journal, Oct 1994)

The U.S. Postal Service has developed a six-part strategy for prevention that's being enlisted nationally, and uses an outside firm with access to databases to check such applicant records as criminal, driving and credit histories. The Postal Service has two 24-hour toll-free numbers; one has counseling available.

Several fast-food restaurants, including KFC and McDonald's have installed special booths where police can write reports. The goal is that the presence of the officers will decrease crime.

Many companies rely on analysis using demographic, crime and Census data to predict rates of violent crime in store areas, and then design security programs.

DOJ PROGRAMS

There is no single program within the DOJ that funds place-focused prevention. These are some of the programs that could address violence in the workplace.

The Byrne Formula Grant Program: about 8% (\$151.8 million) of all Byrne Funds for fiscal years 1989-94 went toward domestic drug control, community crime prevention, property crime prevention, law enforcement effectiveness, and public housing purpose areas. Workplace crime prevention falls under these areas.

The Local Law Enforcement Block Grant Program (for 1996-97) has \$50 million allocated to security measures and crime prevention (about 14% of the program's total).

BILLS PENDING IN CONGRESS

H.R. 185: (Rep Hastings, A.; 1/7/97): To establish a Presidential Commission to study employment and economic insecurity in the workforce of the U.S. The study would investigate the relationship between the psychological stress caused by economic and employment insecurity and the increased violence by employees and former employees. (0 co-sponsors)

H.R. 1444 (Rep Kennedy, J.; 4/24/97): To establish a grant program to install safety devices and improve safety at convenience stores. The grants would be made to states which, in turn, would establish a loan program for convenience store owners. (12 co-sponsors)

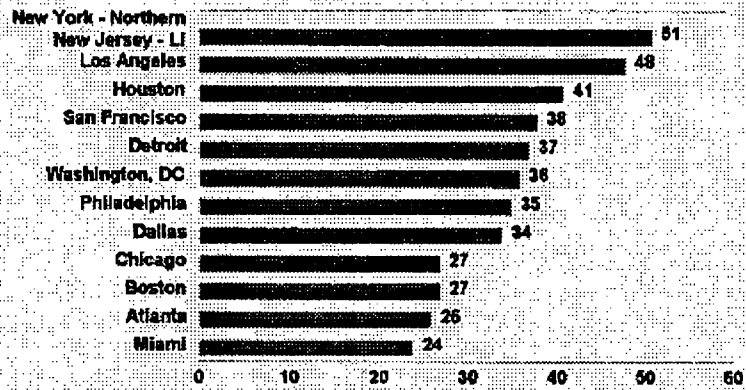
CONTACT INFORMATION

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with 48 percent of workplace deaths attributable to violence, came close to the 51 percent rate for this area. Nationally, 21 percent of occupational or workplace deaths resulted from violence. Of the 364 fatal occupational injuries in the New York Area, 186 resulted from assaults and violent acts.

Assaults and violent acts as a percent of all fatal work injuries by metropolitan area, 1993



Source: Bureau of Labor Statistics, Middle Atlantic Regional Office, 2/9/95

The 1993 Census of Fatal Occupational Injuries, part of the redesigned BLS safety and health statistics program, provides the most complete count of fatal work injuries available because it uses multiple state and federal data sources. The data for the New York -Northern New Jersey-Long Island area presented in this report are a product of cooperative programs conducted with the participation of the New Jersey Department of Health, the New York State Department of Health, the New York City Department of Health, the Connecticut Department of Labor and the Pennsylvania Department of Health. Data for the other metropolitan areas were gathered from similar programs in health and labor departments in the states involved.

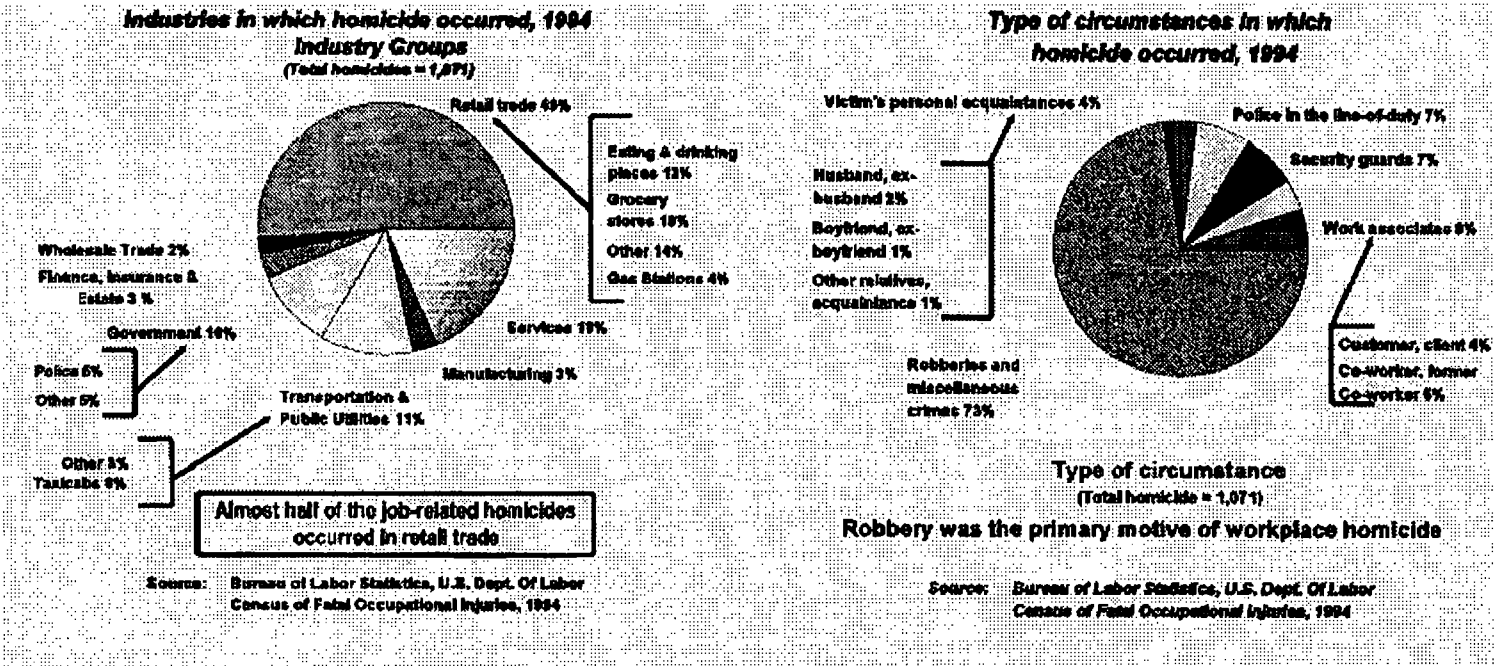
The New York, Northern New Jersey, Long Island, NY - NJ - CT - PA Consolidated Metropolitan Statistical Area is comprised of 14 counties in New Jersey, 12 Counties in New York, four counties in Connecticut and one county in Pennsylvania.(4)

FOOTNOTE(4) Middle Atlantic Regional Office - Bureau of Labor Statistics data released 2/9/95.

In addition to the human cost, businesses suffer economic losses when they are the victims of workplace violence. According to the U. S. Department of Justice survey(5), assaults at work cost 500,000 employees 1,751,100 lost days of work each year, which averages out to 3.5 days per

crime. In terms of just lost wages, the estimated annual total was more than \$55 million. When lost productivity, legal expenses, property damage, diminished public image, increased security and other factors are included, total losses from workplace violence probably can be measured in the billions of dollars.

FOOTNOTE(5) Bachman, Ronet. National Crime Victimization Survey: Violence and Theft in the Workplace. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice, July 1994.



Another cost borne by employers is liability for the injuries suffered by victims of workplace violence and/or liability claims in negligent or wrongful deaths occurring on the job. Third parties assaulted and/or seriously injured in the workplace have won significant awards in suits against businesses or others with responsibility in the workplace who were found to be negligent in this area. And while workers' compensation insurance is generally the employee's only remedy for on-the-job injuries from assaults, in certain states, employees have successfully sued their employers in civil court.

THE DEFINITIONS

According to the National Institute for Occupational Safety and Health (NIOSH): **WORKPLACE VIOLENCE** is any physical assault, threatening behavior or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbing, suicides, shootings, rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence, and harassment of any nature such as