

Every organisation makes promises to its employees, shareholders, customers, regulators, key suppliers and the general public. All of these stakeholders expect the organisation to be able to keep the business operational, even during a crisis. After a tragic incident of workplace violence, stakeholders may extend an extra day or two of leniency to get the business up and running, but when day three or four rolls around and the company is still struggling to regain its footing, patience wears thin, and those promises risk being broken.

News headlines continue to highlight the very real and sometimes deadly threat of violence within the work environment. No industry has been immune from workplace violence, which encompasses bullying, assault, threats, stalking and homicide. In 2009, as reported by the US Department of Justice, approximately 572,000 non-fatal violent crimes occurred against persons aged 16 or older while they were at work or on duty. Most alarming, however, is the fact that in 2009, 521 persons aged 16 or older were victims of homicide in US workplaces.

While the threats of not being able to continue business due to workplace violence are very real for many – if not all – organisations, traditional business continuity planning often fails to incorporate the possibility of a delay in returning to normal following an incident. This article examines the business continuity planning considerations that organisations should take in advance, ensuring a strong capability to manage the response.

### After the incident

After a significant workplace violence incident, an organisation's crisis or business continuity team (BCT) needs to know which business activities must be resumed immediately and which can wait. The immediate challenges an incident of violence presents include:

- The worksite being designated as a crime scene
- Handling fatalities or serious injuries
- Helping the remaining workforce cope with the event
- Maintaining business functions and resuming normal operations as quickly as possible.

In a recent case involving a multiple homicide in the workplace, we assisted an organisation through both the response and recovery. Using this experience as a platform for discussion, we will explore some of the broad challenges that are likely to present themselves. The sections below outline the pre-planning and response activities involved with each of these challenges. We will also discuss planning considerations for each activity.

### Workplace designation as a crime scene

At approximately 6:30am on a cold winter morning, one of our client's long-time employees entered his office building to start his shift. Unfortunately, he had no intention of working that day, and armed with multiple weapons, he ultimately exacted a high toll in terms of human life. Fellow workers ran for cover, many hiding on the rooftop in the freezing weather. Police officers responded quickly to the scene as frantic 911 calls were received. Their challenge, and that of the employer, was just beginning to unfold.

During such emergencies, law enforcement will take control of the worksite

for however long it takes to attempt to apprehend the suspect, collect evidence, re-construct the events of the crime, and interview witnesses. In the case cited this meant shutting down a multi-million dollar operation for a period of several days.

From a planning perspective, best practice calls for a member of the business continuity team to be designated as a law enforcement liaison to understand the impact on continuity strategies. It is critical in these instances to send this liaison to the site to facilitate law enforcement's needs. The liaison should have an understanding of key business processes and be prepared to negotiate with law enforcement for access to the facility in order to collect business-critical equipment and files.

The BCT must consider not only loss of facility access, but also the inability to access equipment, technology resources and key files at the scene. As firms move towards working from home as a resilience strategy, planning often includes issuing employees with laptop computers. In this case, we were contacted and immediately deployed an investigator to the site to work with the organisation in its efforts to assist law enforcement while protecting its proprietary interests. The investigator was able to lobby for access to the facility to retrieve critical technology.

### Planning considerations:

- **Conducting a business impact analysis (BIA).** The organisation must have a thorough understanding of the key resources it requires to continue to operate. Following an incident, the BCT needs to quickly and accurately assess what critical information and assets are at the scene and need to be recovered, empowering the law enforcement liaison to negotiate for access to these assets.
- **Collaboration of planners.** Business continuity planning should include IT, internal investigations and legal, and should understand how the systems interconnect and how they may be segregated for law enforcement use. Investigations following an act of violence will often include review of IT records and systems, such as the access control log, email system or system-based CCTV.
- **Designation of an internal investigator.** In the incident referenced, our investigator remained on-site for a period of two weeks in order to gain a comprehensive understanding of the incident and issues/factors that led up to the event. An investigator

# Violence in the workplace

John Lane and Rebecca Scorzato detail the critical business continuity considerations of planning for an instance of violence in the workplace

should be assigned to return to the site to initiate an internal investigation under the authority and direction of legal. They should interview employee witnesses, as soon as possible, to gain immediate recall of facts. This will also afford an opportunity to understand what information such employees might ultimately be providing to health and safety and law enforcement authorities.

- **A 'damage assessment team' needs to conduct an assessment of the physical plant/site as soon as possible.** The assigned team should estimate a return to operations based in part on the timeline required to repair facilities and equipment. This team should work closely with the BCT to ensure the planning for business resumption or consider a prolonged outage.
- **Ensure the security of the worksite.** A plan for providing security to the facility should be considered. Firms should consider plans to install security personnel to protect the worksite during the down-time prior to resuming operations. In the cited case, the investigator took on the role of preparing security plans for safeguarding the property once law enforcement returned operational control back to the impacted organisation.

### Loss of life or injuries

The manner in which a company responds to the tragic loss of life can impact its reputation. This response will determine whether employees will support or blame the company, and how soon, if ever, they will be willing to return to the worksite. Business continuity planning will typically rely on human resources to develop specific action plans for working with employees. We immediately dispatched a crisis management expert to the client's corporate headquarters to assist in management's response. None of our client's actions was more critical than providing a rapid and compassionate response to those immediately impacted by the tragedy.

#### Planning considerations:

- **Assess impact to personnel.** Assignment of human resources professional to ascertain the needs of impacted families and assist as appropriate.
- **Notification to the victim's family.** Who will deliver the message and when?
- **Internal and external communications.** What information should be provided to the general workforce and by whom?

### Maintenance of workforce

A traumatic incident will have a significant impact on the workforce's overall mental health and willingness to return to the workplace. Consideration should be made in the planning phase for alternative cover. Employees should be trained and should have gone through an exercise of the business continuity plan. It is management's responsibility to assess the ability of employees to continue working after an incident. Resources should be pre-planned for assisting in such assessments, including employee assistance professionals and other mental health professionals.

#### Planning considerations:

- **Debrief witnesses.** Those employees who were witness to the event should be de-briefed by mental health professionals in order to better equip each to manage their emotional response. The BCT should also consider who on its own team may have been impacted by the event so that alternates can be notified and empowered to take on primary roles.
- **Internal communications.** Notice should immediately go out to all employees at the worksite, stating that the facility has been closed until further notice. Business continuity planning should include the tools to distribute this message both internally and externally. Do not assume that personnel will have access to technology to check an intranet site. Alternate methods of communication should be explored in the strategy formulation stage of preparedness.
- **Employee assistance personnel (EAP).** The company should establish a location where employee assistance professionals will be made available to meet with employees as desired. In the case example, EAP staff continued this process for an extended period of time following resumption of operations.

### Maintenance of business operations

Once the facility and operational damage assessments have been made, it is important to forecast a timeline for resumption of business operations and inform personnel, customers, vendors, and sub-contractors.

#### Planning considerations:

- **External communications.** As soon as is practical, all stakeholders should be notified and provided with resumption times. Stakeholders should be designated in a Business Impact Assessment. If impact analysis is kept up to date, plans can be relied on heavily for this identification.
- **Alternate worksites.** Based on the assessment of damage and the projected timeline, business operations should be shifted in accordance with established continuity plans. This may be to an alternate site.

### Returning to normal

Planning for the resumption of operations should consider a return-to-normal plan which will include specific steps if a site is designated a crime scene.

#### Planning considerations:

- **Safety of the worksite.** Ensure that all damage is repaired and all evidence of the event removed before authorising resumption of operations. In our case example such repair work required a number of sub-contractors and several days to repair the damage caused by the perpetrator and by law enforcement teams as they proceeded to search for suspects.
- **Start up time.** Consider a potential 'warm-up' or equipment test period before operations are resumed.
- **Production capacity.** Anticipate that not all employees will be psychologically prepared to return upon scheduled business resumption. A reduced production or work schedule should therefore be anticipated and planned for.

It is almost inevitable that a comprehensive internal investigation into the facts and circumstances leading up to a violent event will reveal gaps in terms of the level of preparedness. Questions posed such as, "Did you know that a violent act was imminent?" or "Should you have known?" serve to advance discussion in terms of exposure to a negligence suit and which protocols require refinement to mitigate future risk of violence. The debriefing and "after-action" report prepared by the business continuity team should help shed light on these issues.

In today's environment, business continuity planning must consider the risks and implications of workplace violence. Industry best practice includes the establishment of a workplace violence prevention and response team. This team should be in place to oversee the company's broader workplace violence prevention and response programme. Such a comprehensive programme will likely reduce the likelihood of workplace violence, while proactively identifying and managing those who would ultimately present a risk of harm. Our experience indicates that a preplanned response combined with proper management of the crisis will allow the business to continue and its workforce to heal.

#### JOHN LANE AND REBECCA SCORZATO

John Lane is vice president crisis and security consulting at Control Risks, based in Los Angeles.

Rebecca Scorzato is a senior manager crisis and security consulting at Control Risks based in Washington, DC.

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