

## Devitt in Daily Journal: Managing the Legal Risks of Workplace Violence

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**PRACTICES** OSHA, Employment Litigation, Retail, Labor and Employment

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Workplace violence is on the rise. In 2017 alone, several fatal shootings occurred in workplaces, including schools, offices, restaurants, manufacturing plants, warehouses and retail stores. The Bureau of Labor Statistics, the principal federal agency responsible for measuring labor market activity and working conditions, reports that in 2016, 16,890 workers in the private industry experienced trauma from nonfatal workplace violence and 500 U.S. workers were victims of workplace homicides.

An analysis of the uptick in workplace violence is beyond the scope of this article, but these statistics should urge employers to pay closer attention to the potential legal risks. Employers in some industries — like healthcare and retail — are ahead of the game. Historically, such employers have had to confront workplace violence more than others and have long had plans in place for dealing with such risks. Today, companies would be short-sighted to (naively) believe “this won’t happen to me.” Better to have a plan in place than to be caught unprepared when workplace violence strikes. All employers should consider taking meaningful steps to enhance their level of preparedness.

### **Employers’ legal obligations under the workplace safety laws**

No federal law specifically addresses workplace violence. The Occupational Safety and Health Act of 1970 established the General Duty Clause, which requires employers to provide a workplace that is “free from recognized hazards that are causing or are likely to cause death or serious harm.” Courts have interpreted this to mean that employers have a legal obligation to provide a workplace free of hazardous conditions or activities when there is a feasible method to abate the hazard. Employers may be cited under the General Duty Clause for hazards that involve workplace violence. ...

Excerpted from the *Daily Journal*. To read the full article, click [here](#).