

SELECTED REFERENCES

INDUSTRIAL RELATIONS SECTION

PRINCETON UNIVERSITY

No. 271*

Princeton, NJ 08544

July 1994

VIOLENCE IN THE WORKPLACE**

Brickey, Kathleen F. "Death in the workplace: corporate liability for criminal homicide." *Notre Dame Journal of Law, Ethics & Public Policy* (William S. Hein & Co., 1285 Main St., Buffalo, NY 14209), Spring, 1986. pp. 753-790. \$19, prepaid.

In 1985 an Illinois court found the Film Recovery Systems Corporation guilty of involuntary manslaughter and three of its officers guilty of murder in the death of an immigrant worker who was poisoned by cyanide fumes in the company's factory. The author reviews the elements of this unusual case including the elimination of obstacles that made the prosecution possible. These included the difficulty of convincing courts that corporations are proper homicide defendants; the restrictive definition of criminal homicide; and the lack of appropriate punishment for a corporation. The officers' culpability derived from their failure to act to ensure a safe work environment—by not advising the employee of the dangers of the chemicals or instructing him in their proper handling; by failing to provide safety and first-aid equipment and health-monitoring systems; and by failing to provide proper storage, detoxification and disposition of cyanide—and their knowledge that their workers were likely to be killed or seriously injured. The author believes that it is appropriate to turn to state criminal laws as a regulatory alternative to OSHA's weaker enforcement system.

Cabral, Roxanne. *Workplace violence: viable solutions under collective bargaining*. Washington, DC 20005. American Postal Workers Union (1300 L St., NW). 1994. 17 pp. On request.

Workplace violence is not unlike other occupational health hazards because it is recognizable, it has identifiable risk factors, there are effective intervention strategies to control it, and its prevention is the responsibility of the employer. The author believes that the Labor-Management Committee and the Joint Labor-Management Safety and Health Committee are the appropriate vehicles for discussing workplace violence as a work environment issue. The committees should ensure that hazard assessments are made and solutions implemented, including basic emergency response procedures. According to Cabral, internecine violence (assaults by workers on supervisors or supervisors on workers) is endemic to the Postal Service because of its stressful work environment and quasi-militaristic management style. Ineffective, blame-the-worker intervention

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strategies that have been used in the past include worker profiling, pre-employment screening, focus groups to foster worker-manager communications, employee involvement programs and elaborate Employee Assistance Program services. Cabral recommends instead that the Postal Service solicit employee evaluations of supervisors and tie these to raises, promotions and terminations and establish counseling services created jointly by the union and management. For a review of background issues and federal initiatives see *Violence in the U.S. Postal Service* (Superintendent of Documents, U.S. Government Printing Office, Congressional Sales Office, Washington, DC 20402-9315. S/N 552-070-14540-1. \$3.25. 1993. 93 pp.) and *Joint hearing to review violence in the U.S. Postal Service* (Superintendent of Documents, U.S. Government Printing Office, Congressional Sales Office, Washington, DC 20402-9315. S/N 552-070-16211-9. \$4.75. 1994. 120 pp.).

Erlich, Howard J. "Studying workplace ethnoviolence." *International Journal of Group Tensions* (J. S. Canner & Co., 10 Charles St., Needham Heights, MA 02194), Spring, 1989. pp. 69-80. \$10.

Erlich identifies seventeen categories of ethnoviolent behaviors, including verbal insults and ethnic jokes, physical violence, threats, vandalism, and degrading work assignments. Virtually all subjects interviewed complained of repeated harassment. Physical violence was rare in white collar settings, but not uncommon in blue collar, predominantly male organizations. Situations the author believes trigger violence are the solo entry of a minority employee into a previously all-white workplace and any challenge to the organization's authority structure made by a minority employee.

Fear and violence in the workplace. Minneapolis, MN 55440. Northwestern National Life Insurance. (P.O.Box 201, Rte. 6528.) 1993. 16 pp. On request.

This study presents the results of a July 1993 survey of 600 civilian workers about workplace fear and violence. The key findings were: violence and harassment affect the health and productivity of victims and other workers; there is a strong relationship between workplace harassment and violence and job stress, both as cause and effect; American workers believe that social issues such as substance abuse, layoffs, and poverty are major causes of workplace violence; harassers are usually co-workers or bosses, while attackers are more likely to be customers; and effective grievance, harassment and security programs can result in lower rates of workplace violence and job stress. The authors include ten solutions for preventing violence based on the responses of survey participants and the recommendations of experts who guided the research.

Fitzgerald, Louise F. "Sexual harassment: violence against women in the workplace." *American Psychologist* (American Psychological Association, Order Dept., P.O.Box 2710, Hyattsville, MD 20784-0710), October, 1993. pp. 1070-1076. \$12.

The author reviews the large-scale surveys and legal cases that have appeared since 1980 when the U.S. Equal Employment Opportunity Commission (EEOC) issued guidelines defining prohibited sexual harassment. The data suggest that

50% of all women experience harassment, ranging from insults to assault, at some point during their academic or working careers. The job-related consequences of sexual harassment include job loss, decreased morale and absenteeism, decreased job satisfaction, and damage to interpersonal relationships at work. Fitzgerald emphasizes the similarities between harassment and other forms of violence and sexual victimization. (Additional citations can be found in Selected References no. 207, *Sexual Harassment on the Job*, May, 1981.)

Jenkins, E. Lynn, Larry A. Layne, and Suzanne M. Kisner. "Homicide in the workplace: the U.S. experience, 1980-1988." *AAOHN Journal* (American Association of Occupational Nurses, Atlanta, GA), May, 1992. pp. 215-217. o.p.

At least 750 people are killed each year in work-related homicides in the United States. According to an analysis of National Traumatic Occupational Fatality (NTOF) data, homicide constituted 12% of all occupational injury deaths between 1980 and 1988, making it the third leading cause of such deaths. Eighty percent of the victims were males. While only one in five homicide victims was a woman, forty percent of female occupational injury deaths was due to homicide. The age range of the victims was 16- to 93-years-old with the highest rate among those 65 years and older (2.04 per 100,000 workers). Sales workers were the occupational group with the highest work-related homicide rate (22%) and retail trade the highest (36%) for an industry, perhaps because of direct exchanges of money with the public. Firearms were the weapons of choice, accounting for 75% of the deaths. The geographic distribution was 49% in the South, 24% in the West, 19% in the North Central and 8% in the Northeastern United States. Related articles in the same issue are: "Violence toward health care workers, an emerging occupational hazard" by J. A. Lipscomb and C. C. Love (pp. 219-228); "Female workplace homicides, an integrative research review" by P. F. Levin, et al. (pp. 229-236); and "Violence experienced by nurses' aides in nursing homes, an exploratory study" by S. L. Lusk (pp. 237-241).

Kinney, Joseph A. and Dennis L. Johnson. *Breaking point: the workplace violence epidemic and what to do about it*. Monroe, NC 28110. National Safe Workplace Institute (3008 Bishops Ridge). 1993. 116 pp. \$49.

National attention was focused on violence in the workplace when the Centers for Disease Control declared work-related homicide as a serious public health problem in 1992. The 111,000 incidents of violence that occurred in 1992 cost employers \$4.2 billion. In their analysis of some of the social and economic factors driving this trend, Kinney and Johnson focus on the absence or ineffectiveness of the following social control processes: an economic system that supports full employment; a legal system that prevents crime and protects people against it; and a cultural system that promotes civil behavior. They emphasize repeatedly that the stress caused by the actual or feared loss of a job may result in violent behavior. In Chapter 4, the authors analyze 125 cases of workplace violence and produce a perpetrator profile. He is a man at least 35-years-old, often with a history of violence towards women, children or animals. He owns a weapon. He is likely to be withdrawn or a loner, whose self-esteem is bound up with success in his job and tends to externalize blame when things go wrong.

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