

Assessing the Threat of Violent Employees

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ABSTRACT

Conflict in the workplace is not a new phenomenon. Almost every worker, anywhere in the world will have encountered a colleague who is unfriendly, unpleasant and even hostile. However, there are occasions when an employee goes beyond those levels and they are aggressive, menacing and dangerous.

This paper will explore the very rare incidents of work-related murder as well as the much more common low levels of violence, sexual harassment and workplace bullying. It will discuss the importance of good risk assessment and actions to be taken when such behaviour occurs.

KEYWORDS

Workplace violence, Bullying, Homicide, Risk assessment, Threat management, Anger, Murder.

Serious violence that results in murder in the workplace is thankfully rare in the UK. However in 2018, two cases made news headlines throughout the UK. Former doctor, Martin Watt was found with three submachine guns, two pistols and 1,500 live cartridges at a property in Cumbernauld, Scotland [1].

Just weeks later David Browning, who worked at the University of Brighton, attacked his manager, Jillian Howell with a knife, stabbing her 15 times in the chest, back and forehead after developing an obsession with her [2]. The chilling part of these two cases is that both men had targeted work colleagues.

Watt, aged 62 was sentenced to 12 years for stockpiling guns with the intent to endanger life. Fifty two year old Browning was sentenced to a minimum of 28 years behind bars in May 2018. Prosecutors said he developed an “intense attachment”, becoming “possessive, controlling and jealous”.

When Watt’s career and marriage hit the rocks in 2012 he compiled a list of names and addresses of colleagues who had been involved in the disciplinary process that ultimately ended his medical career. Disturbingly Watt referred to the names as an assassination list.

Two employees – one who kills his boss the other quietly planning a terrifying spree attack on his former work colleagues. Whilst the two cases above have made headline news, murder in the workplace in the UK, though rare, is not a new phenomenon.

In 1999 post man, James Robinson was being investigated by his employers for stealing mail in Shropshire. He admitted this and when 3 Royal Mail investigators searched his home two days later, bullets were discovered prompting one of the investigators to tell gun enthusiast Robinson that he would have to contact the police. Robinson produced a hand gun, fired eight bullets, killing one

investigator and seriously injuring a second. Robinson told prison staff that, 'a red mist had come' when the police being called was mentioned [3].

Away from the headline cases, it is estimate that there are scores of low-level incidents that occur on a daily basis within the UK. In May 2018, home shopping delivery firm Ocado was forced to discipline some of its delivery drivers for making sexual advances to female customers. Several drivers for the British chain have been accused of copying female shoppers' phone numbers from their order sheets. One driver was allegedly prosecuted after using hidden cameras to film up customers' skirts [4].

A survey of 970 (411 males and 559 females) employees working in the NHS – ranging from junior doctors to cleaners between March 2017 and February 2018 found that more than 319 of those questioned had experienced bullying in the form of verbal abuse and/ or inappropriate sexualised behaviour on at least 2 occasions over the last 3 years. Eleven of those surveyed complained that they had actually been physically assaulted by colleagues (For the sake of this paper, assault involved physical contact such as being grabbed, punched, slapped, pushed).

Depressingly only seven complained about the incident and four of those who complained regretted doing so, due to 'hopeless' or 'completely disinterested responses' from their managers in general and their own human resource department in particular [5].

Workers who present as a violent risk to colleagues or customers are rarely reported. But violence is still one of the major health and safety hazards that continues to be poorly addressed in the UK.

The most recently published figures produced by the Health and Safety Executive from 2019 make uncomfortable reading for employers and workers alike.

The figures below are based upon the Crime Survey for England and Wales (CSEW):

- An estimated 307,000 adults of working age in employment experienced violence at work, including threats and physical assault.
- There were an estimated 688,000 incidents of violence at work, comprising of 299,000 assaults and 389,000 threats. This compares to an estimated 739,000 incidents in 2018/19.
- The 2019/20 CSEW found that for both men and women workers 1.4% were victims of violence at work once or more during the year prior to their interview [6].

So how can organisations reduce the threat of violence when it is one of its own employees who is behaving in a threatening or violent way?

Developing a Serious Incident Management Team within the workplace enables employers to identify, minimise and manage a potentially violent situation can protect employees and mitigate incidents before they become headline grabbing tragic events.

Actions include:

- Threat Assessment
- Threat Management
- Policy Review

Dealing with Threats

Often a threat precedes an act of violence. A threat may be explicit, implied or veiled. Occasionally the violence is described as 'completely unpredictable' or 'out of the blue'. On further investigation threats were made, but dismissed as being insignificant or downplayed because managers didn't think the perpetrator would take it further.

However, dealing with threats or threatening behaviour by recognising their importance evaluating and ultimately addressing threats may prove to be the most crucial step to stopping a violent incident from happening [7].

Threat can be defined as: '**A declaration of the intention to inflict harm, pain, injury, damage, or other hostile action on someone in retribution for something done or not done**' [8].

The Health and Safety Executive's definition of violence incorporates threat. It defines violence as: '**Any incident where someone is abused, threatened or assaulted in circumstances related to their work**' (HSE) [9].

Since April 1996 violence has been recognised in the UK as a health and safety hazard. Yet despite this regulation being in place, few employers have genuinely got to grips with their legal obligations under the Reporting of Injuries Dangerous Diseases Occurrence Regulations (RIDDOR) [10], the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999 [11,12].

Since 1999, I have given expert evidence in now fewer than 330 civil cases where employees have been injured as a result of physical, violence, or psychologically through verbal abuse caused by clients, patients and colleagues and that figure is unlikely to diminish until employers stop paying lip service to this most serious source of stress and distress in the workplace.

Employees must know that they can report such behaviour, know-how and to whom they can report an incident. But most of all, know their complaint will be met with a serious and robust response from the employer.

Policies that promote employee dignity such as Bullying and Harassment, Diversity and The Equality Act 2010 [13] and a zero tolerance to such behaviours allow for a systematic approach to addressing such conduct.

However, if employers then fail to comply with their own policies, then they must accept liability should litigation ensue.

Threat Assessment

Threat assessment consists of an evaluation of the threat itself, its credibility, its viability of an intention to harm and also an assessment of the person making the threat [14].

Combined these two elements will provide a sound analysis of:

- The nature, circumstances/context of the threat or that behaviour
- The target (general or specific)
- The person making the threat's motivation
- The person making the threat's ability and determination to carry out the threat
- The person making the threat's background, including work history, criminal record, mental health background, if they have a preoccupation with collecting weapons and previous conduct in work.

10 Key questions to be asked in Threat Assessment Investigations [15]

1. What motivated the subject to make the statements, or take action, that caused him/her to come to attention? (of the organisation)
2. What has the subject communicated to anyone concerning his/her intentions?
3. Has the subject shown an interest in targeted violence, perpetrators of targeted violence, weapons, extremist groups or murder?
4. Has the subject engaged in attack- related behaviour, including any menacing, harassing, and/or stalking- type behaviour?
5. Does the subject have a history of mental illness involving command hallucinations, delusional ideas, feelings of persecution, etc, with indications that the subject has acted on those beliefs?
6. How organised is the subject? Is he capable of developing and carrying out a plan?
7. Has the subject experienced a recent loss and or loss of status, and has this led to feelings of desperation and despair?
8. Corroboration – What is the subject saying is it consistent with his/her actions?
9. Is there concern among those that know the subject that he/she might take action based on inappropriate ideas?
10. What factors in the subject's life and/or environment might increase/decrease the likelihood of the subject attempting to attack a target?

Risk Factors associated with violence in the workplace include:

- Perception that the person is being treated worse than their colleagues
- Conflict between employees
- Disciplinary action
- Poorly handled disciplinary action
- Suspending an employee
- Termination of employment
- Bringing weapons into the workplace

- Using alcohol or drugs in work

There may be external factors such as divorce, family issues, including domestic abuse or underlying mental health issues.

Also, there may well be behaviours observable such as:

- Explosive anger
- Inability to accept criticism
- A negative pre-occupation with a manager or peer
- Ominous, specific threats ('She's going to die in the next week')
- Displays of belligerence or outright anti-social behaviour
- Threats of murder or suicide
- Blames others for the results of his own actions and refuses to accept responsibility. (She's caused me to lose my family or they ruined my career') [16].

Workplace factors can also present as serious contributory warning signs also such as:

- Threat of losing job due to redundancy or closure
- No employee support/supervision or mentoring
- Poor morale –
 - (1) regular conflict,
 - (2) high levels of stress,
 - (3) lack of trust in managers,
 - (4) no career development opportunities
 - (5) a dearth of diversity and health and safety
 - (6) lack of or loss of pride in the job [17]

One of the most common 'official' responses given by employers is: 'who could have expected that to happen' or 'he/she was a quiet unassuming person'.

Yet colleagues or relatives will often give contradictory evidence highlighting behaviours that eventually result in an act of serious violence or murder and crucially if they had been listened to the incident may have been prevented.

There are two inescapable facts:

- 1 Employers in the UK often employ the wrong people
- 2 Employees are also made to feel uncomfortable reporting behaviour that causes concern.

How employers can aim to reduce the risk of employing violent employees?

Pre-employment interviews

De Becker [18] states that establishing a potential employee's truthfulness is crucial as part of the pre-employment interview. He states that the most common lie is about the duration of previous work: 'Eight months is reported as twelve months and eighteen months as two years etc.'

Powerful pre-interview questions can include:

"Describe the best boss you ever had and the worst" - Who does he talk about with more passion, disdain?
"Tell me about a failure in your life and tell me why it occurred" –

Can he share it and does he take responsibility for it and how does he see it now?

“What are some of the things your last employer could have done to keep you?” – Are their suggestions fair or unreasonable, even ridiculous – “yeah they could have sacked half my colleagues!”

“Who is your friend and how would you describe your friendship?” – De Becker (op cit) claims that there are plenty of candidates who cannot come up with a single name. If they do list a person who is not a reference, then ask if you can call that friend as a reference.

Research by Risk Advisory Group in October 2017 found that 59% of Curriculum Vitae (n=5,000) had a discrepancy in the area of Employment history [19].

When the aggressor is a current employee

A third truth is that many employers fail to supervise troublesome employees, adequately manage their performance and worryingly, take an eternity to dismiss them when they knew they had to go.

Case Study

Junior Doctor (Julie D – not her real name) was subjected to sexual harassment in the form of inappropriate touching of her hair and stroking her back by her supervisor. (David) She told him that she did not like him doing this, but he just laughed and it continued.

Eventually she resigned as a result of David’s behaviour and during her ‘exit interview’ she re-iterated her experience and to her astonishment was told by the HR manager: ‘oh he’s been doing that for years...!’

When Julie D resigned, she told her employer about David, what he had done to her and why she was leaving. The employer now has a record of David’s behaviour.

Less than a year later, the same supervisor slapped a junior female colleague who challenged his decision in a meeting earlier that day. This time the victim pursued action through the civil court. She sued her employer for negligence resulting in bullying and physical assault. The case was settled before the case was due to be heard. No action was taken against the perpetrator by his employer. The victim resigned.

The estimated cost of the legal case was estimated to have cost the employer around £70,000 in legal costs. What would the cost have been had the perpetrator raped or murdered his victim/s?

In this case, it is clear that a threat assessment would have revealed that David was both a violent and sexual predator.

He was no stranger to inter-employee conflict
He had explosive anger (evidenced by slapping a colleague)
He struggled to accept criticism (the meeting disagreement)
He had been hopelessly mismanaged to the point where he was left to misbehave with impunity. (he had not been spoken to about his previous behaviour. No performance management or appraisal had

been carried out on David for more than six years).

It can be argued that in the case of Martin Watt, a threat assessment would have identified evidence of preparatory behaviours including:

- A. Selecting his targets – list of names - his ‘assassination list’
- B. The list included addresses and car registration numbers of his targets.
- C. Acquiring weapons to carry out his intention (3 sub machine guns and 2 pistols).
- D. He lost his job, his marriage and his status, leading to feelings of desperation and despair.

Threat Management

Having the findings from the threat assessment, employers must then manage the risk.

The findings of the assessment threat can then be categorised into High, Medium or Low using a traffic light system.

Green (low) – Low risk - little evidence of risk factors, works well with colleagues, deals with situations well, contains his anger, colleagues do not feel concerned about his behaviour. There is no history of problematic behaviour. There may have been rumours of non-specific threats against people or property. The person though has been well managed and appraised over the previous 3 years. This person would continue to be managed in same manner as their colleagues who have not presented as a threat.

Amber (Medium) Risk - Has responded badly to not being promoted and feels the employer has a hidden agenda against them. Being challenged or criticised, the person is very sensitive, he constantly moans about how much he dislikes his job and how unfairly he feels he is treated compared to others. However he rarely brings the matter up in interviews, but he does make comments such as, ‘I’d happily watch X or Y die and I’d have no problem putting a bullet (or a knife) into them.’ does not present as imminent threat of violence towards others. However, there is a need to ensure that he is performance managed and assessed to ensure that difficult behaviours don’t become established and potentially high risk in the near future, leaving everyone ‘shocked’ because they were not expecting it!

Red (High) Risk - There is a clear, high risk of imminent violence towards specific and recognised target/s. The person may be discussing how he would carry out his threat. Assessment indicates that violence is going to happen and the person’s mental wellbeing may be adversely affecting and influencing his behaviour to take serious action. This situation will require extreme intervention involving police action, securing premises and protecting employees.

Dismissal must occur and if this going to happen it may be essential to inform security or/and the police and have them on standby.

The aim of the dismissal interview is not to prolong a discussion or an argument. Staying focused on the aim of the meeting, not

to respond to further threats and or be dragged into discussing irrelevant issues and simply dis-engaging when it is apparent that the meeting is going nowhere.

If the person then seeks to pursue a grievance or a campaign of terrorising the organisation that is the next stage of threat management.

Ultimately it is completely unacceptable for an employee (or manager) to bully, threaten or assault colleagues, clients or customers. Organisations must recognise that failing to protect people under their employ is at best potentially an act of negligence – at worst corporate manslaughter.

Training Needs

There is clearly a need for managers and supervisors to develop a skill set in assessing, managing and mitigating internecine violence.

A one-day workshop designed to enhance knowledge and skills covers the following learning topics:

- Understanding conflict, its causes, manifestations and the consequences of doing nothing about it.
- Being able to recognise and list risk factors for threats and violence
- The nuts and bolts of rapid risk assessment
- How to defuse anger and hostility
- When to walk away and seek support
- Ensuring policies, procedures and guidelines are working documents and support positive actions
- Reporting and record keeping – developing the ‘Evidential Trail’
- Ensuring the organisation develops a uniform reporting system for bullying, harassment, aggression or other inappropriate behaviour
- How to mediate in the workplace
- Having difficult conversations
- Effective employee performance management

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