

IT'S WORKPLACE VIOLENCE PREVENTION MONTH: IS YOUR BUSINESS PREPARED?

Insights
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April is Workplace Violence Prevention Month, serving as a reminder for all employers that dangerous altercations can happen anywhere, even at work. Anyone who comes in contact with your business – like guests, customers, patients, contractors, or even employees – can create a safety risk. And these risks can vary depending on what industry you're in. For example, medical providers and front-facing employees are more likely to experience workplace violence, but anyone can unfortunately become a victim. While these situations are unpredictable, you can and should prepare. Here's everything you need to know about current rules on workplace violence prevention and the steps you can take to keep your staff and customers safe.

Understanding the Scope of Workplace Violence

Violent acts are the third leading cause of injuries in the workplace. They can be caused by anyone who encounters your business and comes in many forms. The Occupational Safety and Health Administration (OSHA) explains that workplace violence includes "any act or threat of physical violence, harassment, intimidation, or other threatening behavior" and can range from "threats and verbal abuse to physical assaults and even homicide."

Certain workers face increased risk of violent or dangerous interactions due to the nature or timing of their work. For

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example, employees handling money, working alone or in isolation, working late at night, handling alcohol, or providing services to “volatile” individuals all face higher risks for potential workplace violence.

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Overview of Workplace Violence Prevention Laws

Currently, there are no federal regulations mandating that employers take steps to prevent or respond to workplace violence. However, employers are still expected to maintain a hazard-free workplace under the Occupational Safety and Health Act’s General Duty Clause. When it comes to enforcement, the Occupational Safety and Health Administration (OSHA) typically looks at whether an employer knew or should have known of a serious risk and failed to act.

Nevertheless, a federal standard could be on the horizon, at least for certain workplaces. OSHA leader David Keeling told lawmakers last year he would be interested in issuing a workplace violence standard for healthcare settings. While the rulemaking was added to the Trump administration’s most recent regulatory agenda, a proposal hasn’t yet materialized.

“Even without a specific federal workplace violence standard, employers still have obligations under the general duty clause to provide a safe workplace,” said FP Partner Kristin White, Co-Chair of the firm’s Workplace Safety Practice Group. **But, when it comes to enforcement in general duty cases, “OSHA will have to show that you knew, or should have known, there was a serious risk and failed to act on it,”** White said, which can be a high burden to prove.

At the state level, it’s a different story. More than half of US states have issued their own workplace violence prevention rules for employers, but many are limited to healthcare settings. These rules vary broadly and typically apply to different sectors. The common thread among these state rules is that they require employers to develop comprehensive plans, implement training, keep records, and remediate after the incident. Be sure to consult with legal counsel to understand what local standards apply to your business.

Questions Every Employer Should Ask

Regardless of what rules apply to your business, setting up a workplace violence prevention plan is essential to keeping your staff and customers safe, as well as potentially avoiding costly litigation or penalties. To start, every workplace violence prevention plan should begin with a hazard assessment, says FP's Kristin White. Employers should consider:

Where could threats come from?

- Customers/clients/patients
- Members of the public
- Co-workers or ex-employees
- Domestic partners/family of employees

Where are we vulnerable?

- Do staff work **alone**?
- Do staff **exchange money** with customers?
- Do staff work **at night** or in isolated areas?
- Are **doors locked** after certain hours?
- Who has **access** to the worksite and how is it controlled?

Building Your Prevention Policy

Identifying the violence risks unique to your workplace can help you figure out the specific prevention steps that would be most effective. Answering the questions above can help you determine if you should consider:

- Installing physical security measures (locks, cameras, access control, lighting)
- Employing trained security staff or contracting with local security firms to monitor entrances, patrol premises, and respond to threats
- Updating staffing and scheduling practices (for example, to avoid solo or late-night work where possible)
- Implementing emergency procedures and a chain-of-command incident reporting and response plan

You should also ensure your workplace violence prevention policy is easy to access and understand. An effective plan:

- Defines workplace violence and gives examples in the context of your industry
- Explains how to report concerns or incidents and anti-retaliation protections for reporting
- Outlines how reports will be handled and investigated
- Includes advice on how to de-escalate conflicts and safely exit dangerous situations

Finally, training is critical. While the components of an effective workplace violence prevention policy vary depending on your industry and needs, training managers and staff to recognize and respond to potential warning signs is essential to ensure your policy is effective.

“Part of that plan is just making sure that managers feel empowered to act on what they’re seeing,” White said. “Because they’re the ones who are going to see changes in behavior.”

4 Action Steps for Employers

Always work with counsel when developing a workplace violence prevention policy, plan, or program to ensure you’re covering your bases with both state and federal law. Here are four immediate steps you can take:

- 1. Identify and Evaluate Workplace Violence Hazards**
Review whether any factors at your worksites could potentially increase the risk for workplace violence. Use these potential vulnerabilities to form a prevention policy unique to your business.
- 2. Establish a Workplace Violence Policy**
Clearly communicate (in writing) and enforce a zero-tolerance policy that prohibits any form of violence or threats. Create a detailed plan that addresses potential scenarios, response protocols, and recovery support for affected employees.
- 3. Conduct Regular Training**
Train managers and employees on how to identify and safely respond to violent incidents. Ensure employees know when and how to seek help. Encourage employees

to report suspicious behavior, escalating tensions, or security concerns without fear of retaliation.

4. Collaborate with Local Law Enforcement

Work with local police to conduct risk assessments, hold safety workshops, and ensure rapid response protocols. Consider hosting on-site law enforcement training sessions.

Conclusion

We will continue to monitor developments in this area and provide updates as warranted. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have any questions, contact the author of this Insight, your Fisher Phillips attorney, or any member of our [Workplace Safety Team](#).