



# **PREPARING FOR THE WORST OF WORKPLACE VIOLENCE: ACTIVE SHOOTER & ACTIVE ASSAILANT**

*Risk Management Practices and Policies to Help Mitigate Risks*



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# Violence in the Workplace

Every workplace comes with its own set of hazards. Whether you work on a construction site or in a cubicle, injuries can happen at any job; but one of the more disturbing trends in today's society has become arguably the most severe type of occupational hazard: acts of violence occurring at the workplace. Approximately 2 million Americans each year are victims of a workplace violence incident, and those 2 million are only the incidents that get reported. In 2016 alone, of the 4,500-plus workplace fatalities, nearly 10% were homicides, up from 9% in 2015.

Historically, workplace violence was seen as purely an employee-to-employee(s) incident. That's no longer the only case. Over the past few years, another alarming type of workplace-related violence has arisen: third party active shooters and active assailants. Between 2016 and 2017, more than 200 individuals were killed in 50 active shooter events across the United States, according to data compiled by the FBI and the Advanced Law Enforcement Rapid Response Training (ALERRT) center at Texas State University.

While schools, colleges and universities have been the most frequent shooting settings over the past two decades, the corporate industries most affected by these incidents are, not surprisingly, those that tend to have the largest collection of people in one area at any given time: real estate, hospitality, government, and healthcare. These incidents range from one employee harming a fellow employee at a small business to large-scale attacks garnering national media attention such as the mass shooting at the Route 91 Harvest Music Festival in Las Vegas on October 1, 2017.

With these recent events in mind, organizations of all sizes should review their workplace violence procedures and policies, renewing their focus on preventing active shooter scenarios and ensuring proper insurance coverage and operational protocols in the event of an incident.

<sup>14</sup>"Is Your Workplace Prone to Violence?" National Safety Council, 2018, [www.nsc.org/work-safety/safety-topics/workplace-violence](http://www.nsc.org/work-safety/safety-topics/workplace-violence).

<sup>24</sup>"Injuries, Illnesses, and Fatalities - 2016 Survey Data." U.S. Bureau of Labor Statistics, U.S. Bureau of Labor Statistics, [www.bls.gov/iif/](http://www.bls.gov/iif/).

<sup>34</sup>"Active Shooter Incidents in the United States in 2016 and 2017 - FBI" FBI and Texas State University, <https://www.fbi.gov/file-repository/active-shooter-incidents-us-2016-2017.pdf>

<sup>44</sup>"Census of Fatal Occupational Injuries (CFOI) - Current and Revised Data." U.S. Bureau of Labor Statistics, U.S. Bureau of Labor Statistics, 20 Feb. 2018, [www.bls.gov/iif/oshcfoi1.htm](http://www.bls.gov/iif/oshcfoi1.htm).



# Active Shooter Insurance

As these tragic events continue to unfold throughout our country and around the world, the insurance industry has responded by offering a product for employers in the event they fall victim to an active assailant incident. An “active shooter” or “active assailant” policy is a newer coverage in the insurance marketplace to address these hazards. It is a relative of the workplace violence coverage that has been around for a number of years.

In general, both active shooter and workplace violence coverage can provide both first-party coverages, including business interruption and extra expense, and third-party coverage, such as funeral costs and death benefits. Some carriers will also offer a sublimit or policy extension for property damage beyond what is covered on a general liability policy.

Yet while active shooter coverage and workplace violence coverage share many similarities, it's important to note a few key differences between them. Active shooter coverage is a relatively new product designed to address potential gray areas in traditional general liability policy or even more specific workplace violence products. Active shooter policies offer clear third-party coverage and tend to focus more on covering legal liability and business interruption issues that may arise following an attack in the workplace. They also eliminate many common exclusions, including terrorism, vehicle, and employee exclusions.

In selecting the right coverage, insureds should look for policies with broad language about what types of events are covered, beyond shootings, and what constitutes an “assailant” and “weapon.”





# Active Shooter Legal Liability and Liability Coverages

The liability coverages offered by these policies include expenses related to the actual act of violence, threats of or by stalkers, legal liability of the company, and some personal coverages for anyone who qualifies as an “Insured Person” under the policy (e.g. financial loss due to injuries sustained during the event; typically up to a certain number of days after the event occurs). Additionally, these policies can provide coverage for public relations firms, counseling services, and other post-accident services as well as pre-accident training and security testing.

The question of legal liability and how much responsibility is placed on the company where an incident of workplace violence occurs, is still largely up for debate. To date there has not been a legal precedent set in regard to a company’s liability, and there are no specific regulatory standards pertaining to workplace violence. However, the Occupational Safety and Health Administration (OSHA) Act of 1970 stipulates the standard duty of care for workplace environments. This General Duty Clause states it is the primary responsibility of the employer under this act is to maintain a place of employment that is “free from recognized hazards that are causing or likely to cause death or serious harm”. While this standard was created to combat unsafe working conditions, the same standard typically applies to protecting employees from incidents of violence.

In addition, the question of legal liability for companies maintaining safe environments for their guests, not just employees, has come to light with many of the recent tragedies such as the Pulse Nightclub shooting in Orlando in 2016. Questions surrounding what businesses must do to maintain the most secure environment possible for their patrons remain largely unanswered.

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## Why Consider Active Shooter Insurance Coverage

Aside from the devastating casualties associated with active shooter events, there is also often a significant cost factor involved with these incidents. The 2007 shooting on the campus of Virginia Tech University, for example, resulted in close to \$600,000 for medical and healthcare expenses to treat the victims and nearly \$5,000,000 in legal expenses and settlement costs. The university also spent about \$6.4 million in repairs following the tragedy.

Depending on the circumstances surrounding an incident, coverage may be provided under standard property and general liability insurance policies, as well as other more ancillary policies such as kidnap & ransom or workplace violence.

However, a standalone active shooter policy can provide dedicated limits for these events to minimize the impact on an organization's main insurance program. The cost for active shooter policies is typically relatively inexpensive compared to the limit of insurance that can be obtained. Additionally, there is the peace of mind factor knowing you have a policy that will unequivocally respond to these types of events.



# Preparing for the Threat of Active Shooter Events

## Precautionary Measures

As with any risk a company faces, proper planning is the first and most effective way to mitigate potential negative events. Organizations should take basic preventative and precautionary measures to mitigate the risk of an active shooter event occurring, such as requiring badges for entry into interior and exterior office doors; hiring security guards or an outsourced security company; and conducting drills regularly to ensure everyone is well-versed in what actions to take in the event of an emergency.

## Emergency Response Plans

Organizations should also develop and implement thorough emergency response plans for reporting and reacting to active shooter events. The plans should include specific, easy-to-recall actions for employees to ensure they act quickly and correctly if a situation develops.

For instance, plans should outline when employees are to evacuate versus when they should shelter in place. Typical evacuation actions, including signaling a fire alarm or announcing preferred exit routes, can cause groups of individuals to cluster in hallways and exit routes, making them easier for gunmen to target. Workers may also assume an alarm is part of a drill, and they may take the situation less seriously.



## Recommended Employee Responses

For active shooter events, several specific safety measures have become best practices for employees in the moments leading up to and during an active shooter attack. The Department of Homeland Security recommends employees use the following hierarchy to best protect themselves.



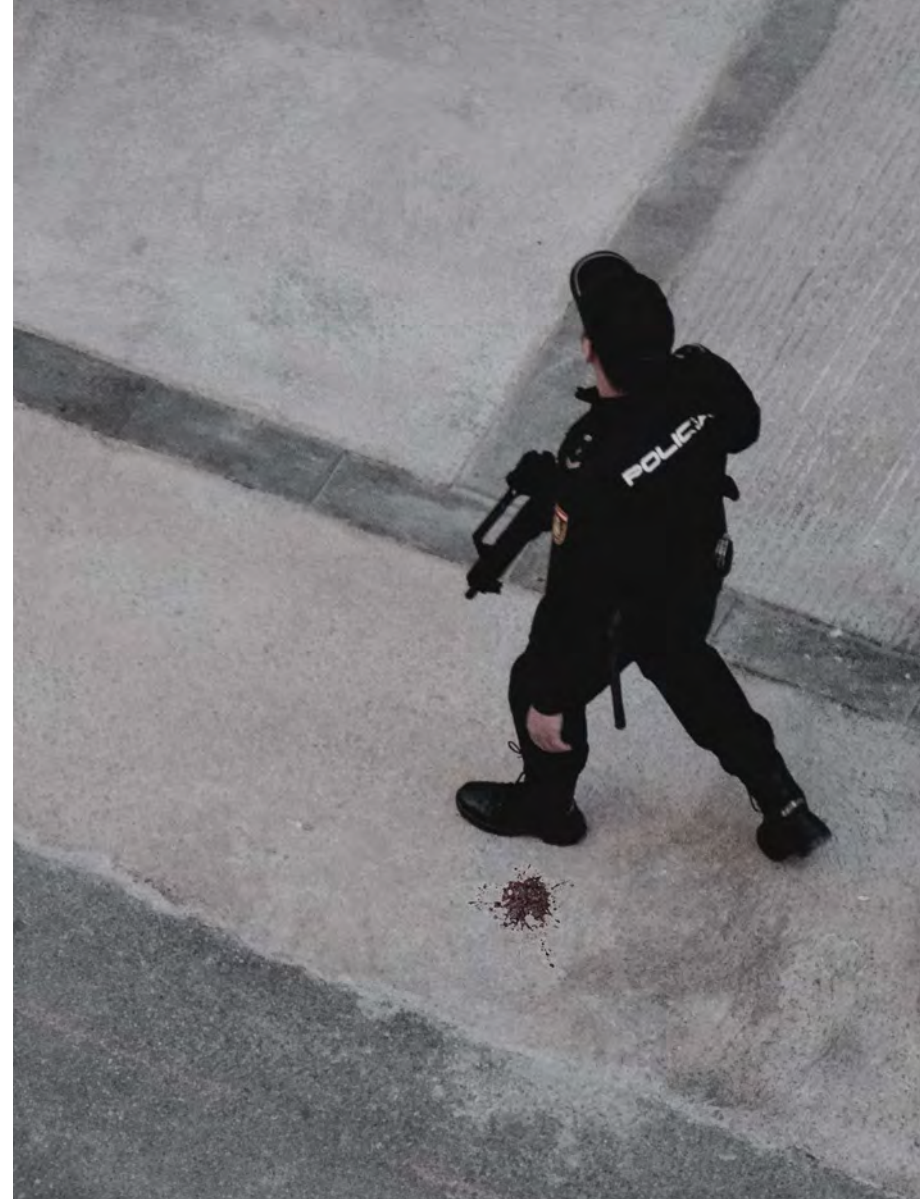
**Run** – Leave belongings behind, keep your hands visible, help others escape if possible and call 911 when you are safe.



**Hide** – Find a place where the active shooter is less likely to find you and lock and blockade the door.



**Fight** – As a last resort when your life is in imminent danger, attempt to disrupt or incapacitate the attacker by acting aggressively, throwing items or improvising weapons and yelling.



This hierarchy should be customized based on an organization's specific location, including the building footprint, surrounding buildings and egress routes, among other factors.





## Employee Emergency Training

After an emergency response plan has been developed, ample effort should be spent training employees. Active shooter events are unexpected, arise quickly and invoke copious fear, which can cause panic among employees. Emergency response training, including group education sessions and periodic drills, is critical to providing employees with the knowledge and skills to react quickly and best protect them and their coworkers.

External resources, from third-party companies that specialize in workplace violence and active shooter events to local law enforcement, can help organizations develop comprehensive emergency plans and training programs that can save lives.

## Conclusion

Most employees and most organizations never think they will experience a mass casualty workplace violence event. Yet, as with any risk, we must prepare for the worst.

From an insurance perspective, as with every other type of insurance coverage, active shooter or active assailant policies will continue to evolve over time, and it is not the “end-all” response to acts of violence. However, for organizations looking for an added layer of insurance protection, active shooter / assailant policies should be considered as part of a larger insurance and risk management program.



For more information on active shooter insurance and risk management practices, call us at 1 (877) 861-3220.



**Terrence Tracy**  
Managing Director  
Executive Vice President



**Matt Walsh**  
Account Executive  
Vice President