

Workplace Violence: Concerns and Solutions

April 2023 Newsletter



Carrera Workplace Solutions was featured on Telemundo Channel 48 to address the issue of Workplace Violence.

1. [Farmworker violence in Half Moon Bay.](#)
2. [Emergency employment benefits for workers experiencing family emergencies from workplace violence and/or severe weather.](#)

Applying Procedural Justice to the Prevention and Reconciliation of Workplace Violence

In January, a disgruntled immigrant farmworker named Chunli Zhao opened fire on his coworkers and fellow farmworkers at a mushroom farm in Half Moon Bay, California. The 66-year-old Zhao worked long hours, complained about bullying, and felt that his complaints to his employer were ignored.^[1] When a supervisor for the employer demanded that Zhao pay for the \$100 repair of a forklift, he snapped.

Despite the abhorrent and inexcusable actions taken by Zhao, in this case, the details and motives reveal a pattern of negligence on the employer's part. This article identifies the psychological factors precipitating violence in the workplace to diagnose warning signs and mitigate conflicts before they turn violent.

The idea of procedural justice is inherent to our conceptions of work. When we do our jobs, we expect a reward or payoff. Justice in the workplace is dictated by fairness, and equitable pay dictates the degree of participation and effort we put in daily.

Procedures, policies, and organizational outcomes support organizational justice in the workplace, contributing to workers' feeling that they belong.^[2] Equitable pay, the fair treatment of employees, and enhanced notions of job security strengthen procedural justice, and it is the employer's responsibility to satisfy this. For Zhao, things turned violent when he perceived the procedures in place as unjust or unsupported by the employer.

It was recently revealed that at California Terra Garden, one of the farms where the shootings in Half Moon Bay took place, farm workers were housed in "squalid conditions."^[3] According to the San Francisco Chronicle, at both farms where the shootings took place, workers were subjected not only to poor living conditions but also to unlicensed and unpermitted housing at both sites. Reportedly, a dispute with a supervisor and coworker was "the last straw for the killer."^[4]

An hour before the shooting spree, he complained to his supervisor that he was not the one to blame for damages to the forklift. In a second confrontation, the supervisor insisted Zhao was to blame for the damages, this time in front of the coworker that Zhao blamed for purposefully crashing into him. It was after this second confrontation that Zhao carried out his killing spree. This deplorable mass murder was a twisted aim at procedural justice carried out by a sick man, and he will surely face the consequences of his actions in court.

Applying the theory of procedural justice in the workplace to this case is necessary to understand the psychological motivations behind the disgruntled employee's actions. While it is difficult to empathize with this man for the crimes he has committed, we must diagnose what went wrong to prevent something like this from happening again.

In an interview, the gunman claims he suffered years of bullying and worked long hours. According to Governor Gavin Newsome, the farm workers at the two farms, including the gunman, were "living in shipping containers, and working for \$9 an hour, well below the state minimum wage of \$15.50."^[5] In an excerpt from *Violence on the Job: Identifying Risks and Developing Solutions*, Julian Barling notes the significance of an employee's perception of fairness within the workplace.

In understanding the psychological motivations behind workplace violence, we must not point to objective factors, but to the quantifiable events that served as stressors leading up to the act. According to Barling, "individuals' interpretations and perceptions of these events reflect psychological stress," and "it is this stress that ultimately generates psychological or physical strain."^[6]

Leading up to the shootings, it was evident that the gunman experienced quantifiable stressors that led to a feeling of lack of control. Of particular note were the alleged financial repairs demanded by the supervisor when the gunman insisted, he was not to blame for the damages to the forklift. It should also be noted that in California, it is against the law for employers to make their employees pay out of their own pocket to repair damaged work equipment; the California Department of Industrial Relations states, "the employer must bear such losses as a cost of doing business."^[7]

We cannot understate the importance of an employer's support, leadership, and proper understanding of procedural justice in preventing workplace violence and alleviating the feelings of confusion, loss, and insecurity among those workers

exposed to workplace violence. The feeling of losing control in the workplace is an experience shared by the perpetrators of violence in the workplace and the victims themselves.

A safe and secure workplace is one of the most basic needs of employment, so fostering feelings of trust to heal one's vulnerabilities relies on the concentrated efforts of the employer. Guaranteed mental health support for those impacted by workplace violence is a necessity and should be the first step taken. Training, instilling knowledge and installing preventative measures to strengthen a worker's confidence are also crucial so workers can feel less fearful and more comfortable upon returning to work.

Aside from fear and insecurity, direct outcomes of exposure to workplace violence include anger, anxiety, depressive symptoms, and cognitive distraction. Employees neither experience nor respond similarly to specific stressors in the workplace. Because all individuals react differently to violence, each should be provided the necessary time and personalized resources to suit their care and recovery needs.

The unfortunate reality is that we must be mindful of violence in the workplace in our daily lives. The Half Moon Bay shooting was not a one-off case. That said, this tragedy can serve as a reason for employers to accommodate their workers better in order to uplift and support those who rely on them for their livelihoods.

By attending to procedural justice in the workplace and treating workers equitably, managers and supervisors can save lives. Also, we cannot help but wonder, would an investigation into the shooter's bullying allegations have prevented this tragedy?

[1] NPR, "The Half Moon Bay Shooting Was Prompted by a \$100 Repair Bill, Local Prosecutor Says," January 29, 2023. <https://www.npr.org/2023/01/29/1152389441/half-moon-bay-shooting-motive-repair-bill>.

[2] Barling, Julian. "The Prediction, Experience, and Consequences of Workplace Violence." In *Violence on the Job: Identifying Risks and Developing Solutions*, by R. VandenBos and E.Q. Bulatao (Eds.), 29–49. American Psychological Association, 1996.

https://intranet.newriver.edu/images/stories/library/stennett_psychology_articles/Prediction_Experience_Consequences_of_Workplace_Violence.pdf.

[3] Mishanec, Nora. "Farm at Center of Half Moon Bay Shooting to Build New Worker Housing after Probes Reveal Squalid Conditions." *San Francisco Chronicle*, January 30, 2023. <https://www.sfchronicle.com/bayarea/article/farm-at-center-of-half-moon-bay-shooting-to-build-17751873.php>.

[4] Umanzor, Joel. "Half Moon Bay Mass Shooting: Dispute over \$100 Equipment Repair Bill Spurred Attack, Suspect Told Investigators." *San Francisco Chronicle*, January 30, 2023. <https://www.sfchronicle.com/bayarea/article/half-moon-bay-mass-shooting-dispute-over-100-17752986.php>.

[5] E. Petri, Alexandria, Salvador Hernandez, and Terry Castleman. "Accused Half Moon Bay Gunman Says He Suffered 'Years of Bullying' as Authorities Investigate 'Deplorable' Farm Conditions." *Los Angeles Times*, January 26, 2023. <https://www.latimes.com/california/story/2023-01-26/half-moon-bay-farmworkers-working-conditions-investigation>.

[6] See, Barling, Julian. "The Prediction, Experience, and Consequences of Workplace Violence," at 29–49. American Psychological Association, 1996.

https://intranet.newriver.edu/images/stories/library/stennett_psychology_articles/Prediction_Experience_Consequences_of_Workplace_Violence.pdf.

[7] See also, *Kerr's Catering Service v. Department of Industrial Relations*, 57 Cal.2d 319 (1962), which provides that an employer cannot legally make a deduction from an employee's wages if, by reason of an employee's mistake or accident, a cash shortage, breakage or loss of company property or equipment occurs. There is an exception contained in the IWC Wage Orders indicating that an employer may deduct from an employee's wages any cash shortage, breakage, or loss of equipment if the employer can show that the shortage, breakage, or loss was caused by a dishonest or willful act or by the employee's gross negligence. However, under this regulation, a simple accusation does not give the employer the right to make the deduction, and the Department of Labor Standards Enforcement (DLSE) has cautioned that the use of this deduction may, in fact, not comply with the provisions of the California Labor Code and various California court decisions. See, <https://www.shrm.org/resourcesandtools/tools-and-samples/hrqa/pages/californiawagedeductions.aspx#:~:text=Department%20of%20Industrial%20Relations%2C%2057,company%20property%20or%20equipment%20occurs>.

SPRING HAS SPRUNG IN POINT REYES



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Bilingual services in Spanish including interviewing, counseling, and training. Bilingual investigation skills are critical when thoroughly investigating claims raised by mono-Spanish speaking employees. I'm here to help.

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Dedicated and responsive client relations.

Your Workplace Violence Action Plan

With incidents ranging from verbal abuse to physical assault, the prevalence of violence in the workplace is a growing concern in today's society. As an employer, it is crucial to take steps to reduce the risk of workplace violence and protect your employees. In this article, we will explore some practical ways to minimize the risk of workplace violence.

1. Establish a Zero-Tolerance Policy:

The first step in reducing workplace violence is to establish a zero-tolerance policy. This policy should outline that violent or threatening behavior will not be tolerated and will lead to disciplinary action or termination. Communicate this policy to all employees, and ensure it is enforced consistently.

2. Conduct Background Checks:

Conducting background checks on all potential employees is another effective way to minimize the risk of workplace violence. Background checks can help identify any previous criminal behavior or violent tendencies that may pose a risk to the workplace.

3. Provide Training:

Providing training to employees on how to recognize and prevent workplace violence can also help reduce the risk. This training should include information on identifying potentially violent situations, de-escalation techniques, and reporting procedures.

4. Implement Security Measures:

Security measures such as installing security cameras, access control systems, and panic buttons can also help deter workplace violence. These measures can provide employees with a sense of security and make responding to

any possible incidents easier.

5. Encourage Communication:

Encouraging open communication between employees and management can also help prevent workplace violence. Employees should feel comfortable reporting any concerns, and management should take them seriously and address them promptly.

6. Offer Support:

Supporting employees experiencing personal or work-related stress can also help prevent workplace violence. Counseling services, employee assistance programs, and mental health resources can help employees cope with stress and prevent violent outbursts.

Perspective

As an employer, it is your essential duty to take steps to reduce the risk of workplace violence and protect your employees. Workers deserve the right to feel safe in their own offices. Thus, the prevention of workplace violence can have a significant impact on productivity as well as employee morale. Establishing a zero-tolerance policy, conducting background checks, providing training, implementing security measures, encouraging communication, and offering support are all practical ways to minimize the risk of workplace violence and create a safe work environment for you and your workers.

Sources

1. Occupational Safety and Health Administration. (2022). Workplace Violence. <https://www.osha.gov/workplace-violence>□
2. National Institute for Occupational Safety and Health. (2017). Workplace Violence Prevention Strategies and Research Needs. <https://www.cdc.gov/niosh/docs/2017-118/pdfs/2017-118.pdf>□
3. Society for Human Resource Management. (2018). Workplace Violence Prevention: An Employer's Guide. <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/workplaceviolenceprevention.aspx>□

Why Carrera Workplace Solutions?

- 1.) Bilingual investigation services in Spanish. Counseling, and training.
- 2.) Certified in DEI by Cornell University School of Industrial and Labor Relations.
- 3.) Certified by the Association of Workplace Investigators (AWI).
- 4.) Over 22 years of actual employment litigation experience in matters involving workplace harassment.
- 5.) Dedicated and responsive client relations.

Bullying, Microaggressions & How to Stop Them

No one likes a bully. Seriously.

Bullying and microaggressions are harmful behaviors that can significantly impact an individual's well-being and mental health. Bullying can be described as a repeated and deliberate behavior misuse of power to intimidate, harm, or humiliate someone. It can take different forms, such as physical, verbal, and psychological, and can occur in multiple interpersonal settings, even online. Microaggressions are

brief and subtle, sometimes unintentional, verbal, behavioral, or environmental actions that communicate derogatory or harmful messages to individuals based on their membership in a particular group. Both can harm the individual's mental health and occur in various settings, including schools, workplaces, and social environments. Thus, it is essential to understand how to prevent these negative behaviors to promote a safe environment for our families and coworkers.

Prevention

1. Educate Yourself and Others:

One of the important ways to prevent bullying and microaggressions is to educate yourself and others about these harmful behaviors. It is crucial to learn about different forms of bullying and microaggressions, how they affect individuals, and how to recognize them.

You can also educate others, such as your family, friends, colleagues, and classmates, about these behaviors. This knowledge helps create a culture of understanding and empathy toward others.

2. Speak Up:

If you witness bullying or microaggressions, speaking up and addressing the behavior is crucial. This action can involve confronting the perpetrator directly or reporting the incident to a trusted authority figure, such as a teacher, manager, or supervisor. Speaking up can help prevent the behavior from continuing and support the victim. It can also show the perpetrator that their behavior is unacceptable and may lead to consequences.

3. Create a Safe Environment:

Creating a safe environment involves fostering a culture of respect, inclusivity, and empathy toward others. It can involve encouraging open communication, creating policies and procedures to address bullying and microaggressions, and promoting an overall accepting behavior.

By protecting and creating safe environments, we are promoting diversity and the understanding of different cultural values and beliefs. Individuals feel included, and this reduces the likelihood of harmful behavior.

4. Support Victims:

Essential to preventing these negative behaviors from continuing is by providing support. We can help each other and promote healing by going out of our way for one another, whether through providing emotional support, actively listening, or offering counseling services or advocacy groups for those who have been hurt.

Lastly, supporting victims is empowerment; encouraging a loved one to speak out and report the behavior may help them find closure. The support of loved ones can go a long way, especially when advocating to the broader public for fair treatment of victims' rights and promoting accountability for perpetrators.

Sources

1. Stopbullying.gov. (2021). What is Bullying? <https://www.stopbullying.gov/what-is-bullying>
2. Sue, D. W. (2010). *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation*. John Wiley & Sons.
3. U.S. Equal Employment Opportunity Commission. (2021). *Types of Discrimination*. <https://www.eeoc.gov/types-discrimination>
4. Ttofi, M. M., & Farrington, D. P. (2011). Effectiveness of school-based programs to reduce bullying: a systematic and meta-analytic

~Karen's Delicious Latin Kitchen~

Sopa de Albondigas

This soup is one of my family's favorites and has been a perfect warming cure for all of this rainy weather we've been getting. It's an old family recipe passed down from my mother-in-law from the Southwest. Thank you, Grandma Norma Jean!

Ingredients:

Serves 6-8

- 1-2 lbs ground beef (or ground chicken, ground turkey or Beyond Meat)
- 8 saltine crackers crushed
- 1 raw onion diced into tiny pieces
- 2 russet potatoes, peeled and diced into small pieces
- 2 celery stalks, diced into small pieces
- 2 carrots, peeled and diced into small pieces
- 2 cloves minced or diced garlic
- 2 eggs beaten
- 2/3 cup white rice
- ¾ can tomato sauce
- 1 teaspoon dried parsley flakes
- Salt and pepper to taste.



Instructions

Fill stock pot with 8 cups of water and bring to a boil. Meanwhile in a large bowl combine ground beef, crushed crackers, onions, salt, and pepper and begin to form small meatballs the size of a quarter. Keep hands moist with water and the meatballs will roll easier. As the water starts to boil, reduce the heat to a low boil. Begin dropping the small meatballs into the water. When foam begins to form at the top of the pot, use a large spoon to scoop out the top layer of grease that has lifted to the top. Cook meatballs for 20 minutes on low boil. Meanwhile, dice two stalks of celery, two carrots, garlic, and potatoes, and drop into the pot. Add rice, tomato sauce, and salt and pepper. Cook for 30 minutes at a low heat. Sprinkle with parsley flakes before serving.

Serve in soup bowls. Garnish with warm corn tortillas, avocado slices, and fresh cilantro. Enjoy!

Carrera Workplace Solutions specializes in Spanish language and bilingual trainings and investigations with Spanish-speaking employees. Topics of trainings include discussions on diversity and inclusion, harassment prevention, discrimination, retaliation, and abusive conduct (bullying).

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