



PHYSICAL SECURITY RISK MANAGEMENT

COMMERCIAL "THREAT READINESS"

THE PROBLEM

RECOGNIZED HAZARDS & ACTIVE SHOOTERS

The Occupational Safety and Health Administration (OSHA), requires employers identify and mitigate workplace “recognized hazards”. There are over 2 million workers affected by workplace violence annually and employers spend over \$120 Billion on violence and negligence. The cost of workplace violence alone, is at minimum \$10,000 per minor incident, \$850,000 per major incident, and over \$1 million for the most serious incidents - including serious injury and death. In general, most people who occupy your property are owed a “duty-of-care” by the landowner to *make and keep the property safe* and to *warn of all known dangers*. Employers can effectively work to lower exposure and liability, by 1. Becoming proactive at identifying and mitigating workplace “recognized hazards”, and 2. Exhibiting “due regard” and “due diligence” for the safety of others. Proactively addressing security gives you the tools necessary for defending against negligent security, security inadequacies and claims related to premise liability.

All employers have a basic duty to **establish and maintain a safe workplace** and resolve threats to employee safety. Security risk assessments and training are recommended for maintaining your compliance with section 5(a)(1) of OSHA’s “general duty clause”.

Approaching security proactively helps growing companies develop a culture for preparedness, safety and aids in *Threat Readiness*. Security risk assessments and advice from independent security consultants can change the direction of your business by developing a plan of action that works to prevent, protect, and secure what matters most to you - your future.



THE LAW

FEDERAL AND STATE REQUIREMENTS AND REGULATIONS

1. OSHA General Duty Clause. OSHA requires employers establish and maintain a workplace free from “Recognized Hazards” that are *causing or are likely to cause* injury or death. Section 5(a)(1) outlines the requirements and the “Duty-of-Care” owed by employers, and Section 5(a)(2) is the duty of employers to comply with the OSHA standards.

2. State Premise Liability Laws. It’s impossible to prevail in a lawsuit regarding security negligence or premise liability unless someone can prove or convince a judge, jury or other adjudicator that you breached your legal duty (Duty-of-Care) owed to that person.

THE FACTS

MINIMIZE AND ELIMINATE EXPOSURE TO NEGLIGENCE

“Premise Liability” is the concept that arises when someone claims an injury or death (personal injury matters) were caused by unsafe, defective or poor conditions on someone else’s property. In order to prevail, the injured party must prove the land owner was negligent with respect to their ownership or maintenance of the property - something they did or did not do led to the injury.

The following examples of Security Negligence highlight the seriousness of addressing security proactively and how simple it should have been to eliminate exposure.

- Barrak v. Report: Over \$100 million was awarded to the victim of a shooting incident where the business owner didn’t properly maintain his property to promote safe conditions, which lawyers said “contributed” to the shooting. The land owner failed to establish a standard of care and show due-regard for the safety of occupants of his property.
- Eugene v. Latrun Reality: Over \$5 million was awarded to a shooting victim who was a security officer at a hotel where a gunman stormed in and shot him. The courts determined the hotel was negligent regarding the adequacy of their security due to their ignorance to address security in a high crime area.
- Vente v. Cornerstone: Over \$1 million was awarded to a fall victim who jumped from a third story window while running from an attacker. Though it was known that had she not jumped, she likely would have been killed by her attacker, the courts ruled that the property owner “failed to make the property”, that Vente should not have been able to jump from a window and security was inadequate.



THE SOLUTION

SECURITY RISK MANAGEMENT

Employers have a fundamental duty to safeguard their business, employees and visitors. You promote general wellness and provide peace-of-mind by adopting a culture for safety. You achieve security excellence by having a clear understanding of your exposure and vulnerabilities – ***geometrically enhancing your chance for success.***

There is **no immunity**, and **everyone is exposed to negligent security**, premise liabilities and more recently, active shooters. Workers compensation protects employers from liability, however when an employee can prove you acted unreasonably or without “Due Regard” for his or her safety, you expose yourself to negligence.

Measures of Success

1. Compliance with industry Best Practices
2. Develop a culture of preparedness and defend/safeguard your organization
3. Exhibit due regard for the safety of others by Warning of Unsafe Conditions
4. Identifying and Mitigating Workplace Hazards and Vulnerabilities
5. Promote, create and maintain a Safe Work Environment

THE REASON

RETURN ON INVESTMENT

1. MAINTAIN COMPLIANCE with the law and regulatory requirements
2. LOWER LIABILITY and lower exposure to negligence.
3. SAVE TIME AND MONEY

Save money by maintaining your compliance and avoiding insurance claims, workers compensation, fines, negligence claims, and medical and mental expenses. Adopting a culture for safety attracts quality employees willing to go the “extra mile” and who are likely to work harder and remain loyal.

Time is your greatest asset. Saving time is essential for continued growth and success. Save time by reducing the number of security incidents and from clean-up expenses, closures, employee absence, turnover and dealing with legal matters, negligence claims, and unwanted media attention.

4. PEACE OF MIND

Emotion influences business and productivity. Emotion is one of the most significant contributing factors to business success. When you demonstrate you care for others, you earn their respect, trust and provide peace of mind. Happy employees feel better and are more likely to be healthy and more productive. A safe environment attracts more qualified employees, helps with retention and optimizes performance.

5. OPTIMIZE PRODUCTIVITY

- Employees stay focused on work - not safety.
- Minimize downtime - fewer sick days, mental and medical rehabilitation.
- Promote a positive image with fewer security incidents, violence and injury.
- Lower exposure to workers compensation, general and professional liability.
- Become **Proactive v. Reactive** by identifying and mitigating hazards.
- Fewer legal distractions from defending against negligence
- Avoid downtime from after-incident clean-up and construction

Negligence arises when the employer “**knew – or should have known** of a threat and failed to take necessary steps to prevent it”.