

Flashpoints In Focus: Shifting Workplace Violence Responses

By **Dawn Solowey, Sam Schwartz-Fenwick and Adam Young** (August 12, 2026)

This article is part of a monthly column that examines polarizing social, cultural or political issues that affect workplace legal considerations. In this installment, we discuss how high-profile violent incidents and threats are reshaping how employers think about workplace violence and the security of company executives.

In our polarized society, strong and divergent viewpoints on politics and cultural flashpoints all too often spill over into threats or even acts of violence, and this dangerous reality is directly affecting companies.

In July, the Wall Street Journal reported that "mounting opposition to [artificial intelligence] has given rise to a surge of violent rhetoric, threats against people and property, and a serious attempt at harm." [1] One of the incidents featured involved an unauthorized man who tailgated his way into the San Francisco lobby of AI startup Anthropic to warn that a top executive was "going to be killed." [2]

And this is not an isolated trend. The news is replete with CEOs hiring private security due to increasing threats of violence. [3]

Additionally, amid escalating polarization about the state of Israel, and a related rising tide of antisemitism, Jewish-owned businesses have experienced threats due to their actual or perceived support for Israel. [4]

These are not anomalous headlines, but rather are emblematic of current everyday news. Headlines like this reflect how divisions over hot-button issues have turned perilously threatening for companies.

Against the backdrop of this threat environment, companies are fundamentally rethinking how they protect against workplace violence, analyze threats to the workplace and provide security for executives. Increasingly, that analysis involves accounting for threats that stem from both inside and outside the workplace.

Types of Workplace Violence

Workplace violence includes attempted, threatened or actual conduct that causes — or is likely to cause — injury, including any threatening statement or behavior that gives an employee reasonable cause to believe that they or another worker are at risk of injury. [5] Workplace violence can also overlap with bullying and sexual assault.

Violent actors can include the following:

- An individual with no connection to the workplace commits a crime, such as robberies, mass shootings and random violence.



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- An individual directs violence toward an employee at the workplace. These commonly include irate retail customers and impaired healthcare patients.
- A current or former employee directs violence toward another employee, such as threats of violence from an employee at their termination meeting, which need not occur in person.
- Threats or acts of violence from an individual who has a relationship with an employee, such as an ex-boyfriend coming to the workplace to confront his former partner.

What Employers Can Do Now to Enhance Workplace Safety

The Occupational Safety and Health Administration is currently developing specific regulations to address workplace violence, which will likely borrow much from states that have adopted their own regulations, such as California.

In the meantime, OSHA enforces workplace violence violations through the Occupational Safety and Health Act's general duty clause, under which employers must provide a workplace free from any recognized hazard that is likely to cause death or serious physical harm.

To prove a general duty clause violation related to workplace violence, OSHA must show that there is a recognized hazard of violence in the specific worksite, as well as a feasible means of abatement to address the hazard that the employer forwent.[6]

OSHA issues citations against employers that fail to protect employees from recognized hazards of workplace violence, which the agency typically views through a post-incident lens. OSHA citations — and related tort claims — focus allegations on the employer's lack of proactivity to address workplace violence and its failure to respond appropriately to threats.

Accordingly, the defense to an OSHA general duty clause violation is achieved through either (1) refuting the recognized hazard in its workplace or (2) showing that the safety controls — i.e., feasible means of abatement — that are in place to address the hazard are sufficient.

To allege feasible means of abatement, OSHA relies on guidance documents and industry consensus standards. Employers can both dissuade OSHA from issuing citations and disprove citations by showing that their means of abatement are sufficient via compliance with the same guidance documents and standards.

To comply with the OSH Act and address the current fraught environment, employers must consider whether they have implemented the proactive tools to protect employees that are laid out in OSHA guidance and industry standards, and whether they are responding to workplace violence safety concerns and incident reports appropriately.

Companies should consider the following safety controls to abate recognized workplace violence hazards:

- Develop a workplace violence prevention plan that is an overarching written program incorporating management commitment, employee engagement, analysis of the worksite, hazard control, safety training, recordkeeping and periodic evaluations.[7]

- Conduct job safety assessments of the physical workplace to identify hazards and the potential for enhancements, like secure entrances, security cameras and outdoor lighting.[8]
- Consider third-party security and potential guards for the executive team, but note that directly employed armed guards come with significant legal compliance burdens.
- Develop a threat notification and response system, including a mandatory safety concern reporting policy, with multiple methods to report. Employers should also have designated teams to assess and respond to threats.
- For threat response, implement an organized incident assessment framework under which appropriate staff can be assigned to address, assign and monitor threats. Incident assessment should have corresponding action items based on the outcome and categorization of the threat.
- Retrain employees on workplace violence hazards, procedures for addressing hazards, de-escalation and active shooters.[9]
- Conduct periodic evaluations of the program, including incident review and loss runs associated with workplace violence.

Policies and Processes to Prevent Flashpoints From Turning Into Violence

Companies can also use policies and processes to help prevent workplace violence.

First, a company can take proactive steps if it is concerned that an aggressive dispute between employees over cultural flashpoints may escalate into violence. For example, let's say an employee is directing aggressive antisemitic or Islamophobic rhetoric at Jewish or Muslim employees, or an employee is displaying provocative messages about a company's use of AI on their car that is in the company parking lot.

The company should evaluate these situations under the existing policy framework, including the antidiscrimination policy, but it should also evaluate their potential for workplace violence and feed them into a workplace violence prevention matrix.

Second, a company should take steps to ensure that security measures are in place for volatile employees. For example, a termination meeting with an erratic employee can be held over videoconference, rather than in person, with the employee's computer access cut off at the end of the meeting.

If the meeting must be in person, the company can reduce risk by carefully choosing attendees who can best manage the situation, choosing the safest location — such as near an exit — and choosing the optimal time of day, like early or late in the day when fewer employees are in the area.

Security should be accessible, potentially by being nearby or available with the use of a panic button. If an employee makes threats at the time of their termination, the employer should notify company security, and should also consider notifying local law enforcement.

Third, the company should develop a rubric for when it will issue a statement on a divisive political, social or global issue. For example, a company may decide only to weigh in on conflicts in the Middle East if that topic is directly aligned with the institution's business or

mission.

The company should also consider an internal communications strategy to explain to employees its rationale for making the statement, and to clarify that its public stance in no way mandates employees to shed their personal beliefs, which may differ, on the issue.

Such steps may help the company avoid getting mired in a polarizing issue that is far afield from the institution's actual focus and goals, and may also help reduce blowback from employees, other stakeholders and the public.

Conclusion

Polarization around topics such as AI, global conflicts and other flashpoints will not go away anytime soon, and the current environment poses real challenges for companies seeking to protect against internal and external threats. However, by taking proactive steps toward compliance, companies can mitigate legal risk while protecting their most valuable asset — their people.

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[1] <https://www.wsj.com/us-news/the-ai-backlash-has-tech-executives-fearing-for-their-lives-30c43972>.

[2] Id.

[3] <https://www.reuters.com/sustainability/society-equity/us-companies-spending-record-amounts-protect-executives-threats-rise-2025-08-05/>.

[4] <https://www.cbsnews.com/atlanta/news/texas-man-charged-threatening-to-kill-jewish-employees-of-georgia-company-behind-flock-cameras/>.

[5] <https://www.osha.gov/workplace-violence>.

[6] Secretary of Labor v. Integra Health Systems, Docket No. 13-1124 (O.S.H.R.C. March 4, 2019) (available at https://www.oshrc.gov/wp-content/uploads/Integra_Health_Management_Inc._Docket_13-1124_Combined_post.pdf).

[7] Secretary of Labor v. Integra Health Systems, Docket No. 13-1124 (O.S.H.R.C. March 4, 2019) (available at https://www.oshrc.gov/wp-content/uploads/Integra_Health_Management_Inc._Docket_13-1124_Combined_post.pdf).

(listing development of workplace violence prevention plan as primary feasible means of abatement); <https://www.osha.gov/workplace-violence/prevention-programs>; see also <https://digitalassets.jointcommission.org/api/public/content/0c8d9cd5ed3145b6bc9369920b69ca21?v=9dec6a64>; <https://www.osha.gov/workplace-violence/resources>.

[8] https://peoplereults.com/wp-content/uploads/2023/07/2023_Spring_Retail-Labor-Activity-Report-1.pdf.

[9] <https://www.fbi.gov/file-repository/stats-services-publications-workplace-violence-workplace-violence/view>.