



Maine Department of Labor
Bureau of Labor Standards

MEFACE 0403

Sales Associate Fatally Stabbed by a Shoplifter

The Incident

On December 1, 2002, a shoplifter fatally stabbed a 32-year-old male sales associate.

The victim was working in the store at about 11:30 a.m. with another sales associate when the perpetrator came in. The 2nd sales associate unlocked a dressing room for the perpetrator to try three pairs of windbreaker pants. The perpetrator came out of the dressing room with two pairs of pants in hand and was questioned by the 2nd sales associate about the third pair of pants, which the perpetrator had worn under his jeans. The 2nd sales associate told the victim to call the police while he held the doors closed. The perpetrator struck the 2nd sales associate in the face with a cane walking stick and ran out the store. Both the sales associates chased after and caught up with the perpetrator. The two sales associates struggled with the perpetrator who struck both sales associates with his cane. During the struggle, the perpetrator separated the handle of his walking stick that had a concealed 8-inch knife, and stabbed the victim in the left chest area.

Regulations and Standards

The Federal Occupational Safety and Health Administration (OSHA) does not have specific safety standards to address workplace violence. Instead, workers are protected under what is commonly referred to as the "General Duty Clause" [Occupational Safety and Health Act, Sec. 5. Duties] "*Section 5(a) Each employer- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees.*"

Simply stated, the "General Duty Clause" provides OSHA with latitude to protect workers when a hazard is present but no specific standard addresses it. Under the Occupational Safety and Health Act of 1970, employers must maintain safe and healthy workplaces. OSHA can cite this "General Duty Clause" when an employer fails to take the necessary protective actions.

Fatality Data

Since 1992, the Federal Bureau of Labor Statistics has recorded a total of 8,702 cases of work-related homicides. About 45.5% of these cases occurred in the retail trade.

Acknowledgement: This Maine FACE case was completed with assistance from the Office of the Maine Attorney General, the Office of the Executive Director of Portland Downtown District Office, New Jersey FACE, Oregon OSHA, and Maine Federal OSHA.

Work-Related Homicide Fatalities-U.S.

Year	All Homicides	Retail Trade
1992	1,044	505
1993	1,074	526
1994	1,080	530
1995	1,036	423
1996	927	438
1997	860	395
1998	714	288
1999	651	264
2000	677	310
2001	639	281
Total	8,702	3,960

Recommendations

No definitive or single strategy is appropriate for reducing the risk of workplace violence. Workers and employers should assess the risks in their workplaces and take appropriate action. Collecting information about all incidents of workplace violence helps determine whether prevention strategies are necessary, appropriate, and effective. Federal OSHA and the National Institute for Occupational Safety & Health (NIOSH) have developed workplace violence prevention guidelines and recommendations.

Elements of a Workplace Violence Prevention Program

- Develop a written workplace violence prevention policy.
- Create a threat assessment team.
- Conduct hazard assessment.
- Develop workplace violence hazard control & prevention activities based on results of hazard assessment.
- Implement training & education.
- Develop and promote incident reporting, investigation, follow-ups, and evaluation.

For more information on these guidelines and recommendations, go to these Web sites:

Federal OSHA-<http://www.osha.gov/SLTC/workplaceviolence/index.html#Compliance>

NIOSH-<http://www.cdc.gov/niosh/violcont.html>

Oregon OSHA-<http://www.cbs.state.or.us/osha/educate/training/pages/120outline.html>

WA State Dept. of Labor & Industries-<http://www.lni.wa.gov/Safety/Topics/AtoZ/WPV/default.asp>

FATALITY INVESTIGATION REPORT

FACE Facts

WORKPLACE
VIOLENCE

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Maine Fatality Assessment and Control
Evaluation (FACE) Project
Maine Department of Labor
45 State House Station
Augusta, ME 04333-0045

SafetyWorks!, a program of the Maine Department of Labor, provides free training and consultations on workplace safety and health issues such as the one described inside. For more information, call toll-free 1-877-SAFE-345, or access our Web site at www.safetyworksmaine.org.

Maine FACE Program

The Maine FACE pilot program is a state funded program using research methodology from the National Institute for Occupational Safety and Health FACE program. The goal of the FACE program is to prevent occupational fatalities across the nation by identifying and investigating work situations at high risk for injury and then formulating and disseminating prevention strategies to those who can intervene in the workplace.

The Maine Department of Labor provides equal opportunity in employment and programs. Auxiliary aids and services are available upon request to individuals with disabilities.