

With the Latest Workplace Violence, Is It Time To Review Your Workplace Safety Policies?

Working Together

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The travesty of the latest workplace violence – a shooting on September 23, 2014 at UPS’s Birmingham Alabama facility and the beheading at a Vaughan Foods plant in Oklahoma – is a reminder that all employers must be vigilant to protect their employees, customers and vendors from potential workplace violence, whether from an employee or a visitor to a facility. A complicating factor is whether an employer should allow weapons in the workplace, especially in light of the fact that the Vaughan Foods CEO shot and killed the perpetrator of the beheading while he was attacking another employee. The juxtaposition of these two incidents a week apart creates a Gordian’s Knot for employers: how do you adequately protect the workplace when the best solution maybe arming your employees rather than disarming them?

The most prevalent form of workplace violence appears to be from the disgruntled (and usually recently terminated) employee who seeks vengeance against the company or the persons who are believed to be the cause of the employee’s grievances. Every year we read about terminated employees returning to the workplace to cause violence or mayhem.

For that reason, when I counsel employers relating to an employee termination, I always ask whether there is even a chance that an employee could become violent during the termination process or thereafter. If the answer is “yes” or “I don’t know”, then I invariably suggest that the local police be called and requested to send a patrol car to sit in the parking lot during the termination process and for a period afterward (in a visible location so that the terminated employee knows that there is a police presence on site). Most local police are happy to comply as they recognize that the mere presence of a patrol car in a parking lot may act as a deterrent to any employee who is even thinking about returning to work after being terminated.

We also counsel our clients that in addition to a policy of zero tolerance for violence in the workplace, a workplace safety policy be prepared and disseminated to all employees. The policy should include guidance to employees on who to contact if they believe that workplace violence is imminent or have witnessed or are witnessing a violent act. The policy should describe clear lines of communication. The policy should also describe escape routes and any pertinent lock-down measures. Of course, employees should be advised to immediately call 911 in addition to vacating the building if a violent act is feared or is occurring.

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So what about permitting or disallowing weapons at your workplace as a precautionary measure? Assuming that all laws are being complied with, the only thing that would prevent an employee (or visitor) from bringing a gun to work is a workplace policy that expressly forbids it. Should you craft and enforce such a policy? The Vaughan Foods incident and many other examples of employees intervening to stop further violence may militate against such a policy. But at the same time, prohibiting guns at the workplace may deter violent acts from occurring with those guns.

In the end, it is up to every employer to make the policy decision with which it is most comfortable. However, whether guns are permitted at the workplace or not, violence cannot be tolerated there and this must be made abundantly clear to all employees.

For more information regarding this topic, please contact jhawks-ladds@pullcom.com.