



Employers urged to have plan for workplace violence

By: Gabrielle Banks – February 14, 2013

The participants looked shaken as they sat frozen in place -- until Henry, a partner at the Harrisburg, Pa., law firm of McNees Wallace & Nurick, explained that the assailant was actually his colleague and the exercise was meant to illustrate the lack of a contingency plan.

Homicides at work are statistically rare. But 358 employees were killed or injured on the job by gunfire in 2011, the latest year for which the Bureau of Labor Statistics has data.

Robberies are responsible for about two-thirds of workplace homicides. The remaining killings stem from conflicts between employees, between employees or ex-employees and management, between employees and their relatives, or as a result of murder-suicides.

Most workplace shootings occur in the private sector, often in retail establishments. Four out of five workplace victims are male. Whereas men are more frequently killed at work by a robber, nearly 40 percent of women who are killed on duty are slain by a domestic partner or relative.

Most employees have not been properly prepped for a violent incident. Only 30 percent of employers had a violence prevention policy in place, according to a 2006 Bureau of Labor Statistics study.

Therefore, in the 49 states in which the concealed carrying of weapons is legal, Henry and other violence prevention experts recommend employers conduct preemptive threat assessments and clearly state their policies about whether weapons are permitted at work.

Paul McCauley is an emeritus professor of criminology at Indiana University of Pennsylvania who studies workplace violence. He said mom-and-pop shops generally don't have any weapons policy, although larger businesses, such as convenience store chains, typically do. "They don't want employees in there fighting for money," McCauley said.

Some 16 states have passed laws protecting workers' right to keep a legally purchased gun locked in their cars in the company parking lot. They include: Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, North Dakota, Oklahoma, Texas and Utah.

For Steve Albrecht, a former police officer who has run violence-prevention trainings since the early '90s, these parking lot exceptions "send a mixed message to employees ... that it's OK to bring your gun to work and bring that gun back inside to protect yourself in the case of an active shooter."

In the private sector, a company may set a no-guns policy as a condition of employment or a condition of entering its property, just as it may require protective goggles or prohibit drug use, said Ilya Shapiro, a senior fellow in constitutional studies and editor-in-chief of the Cato Institute's Supreme Court Review.

The public sector is sometimes subject to different rules. For example, in Colorado, Mississippi, Oregon, Utah and Wisconsin, individuals may carry concealed weapons on public college campuses -- including at disciplinary hearings, faculty meetings, job performance evaluations and in dormitories. Information about who on campus might have a concealed carry permit is not publicly available.

Hammering out policies regarding personal weapons is a balancing act.

On one hand, employers may face civil suits for negligently hiring a dangerous person or for failing to provide adequate onsite safety, supervision or training.

On the other hand, employers must heed employees' individual rights -- the right to seek employment, the right to privacy. Even where there is no confidentiality agreement, concern over liability for defamation or privacy infringement can make employers hesitant to warn others about a possibly dangerous past or present employee.

There's no simple answer.

Most employee fatalities occur during a robbery. The next largest group of cases involve "high-risk terminations," in which the assailant goes after a co-worker, former co-workers or contractor. Next come domestic violence shootings.

The assailants that generate the most attention -- suicidal mass murderers -- are the least common. Because the ultimate objective is suicide, Albrecht said, these shootings are the most difficult to avert.