

Employers should have a commitment to a safe work environment and a mechanism for reporting complaints about co-workers to help avoid workplace violence, writes attorney Lisa A. McGlynn. **A8**

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## What is an Employer to Do in a World of Workplace Shootings?

Commentary by  
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News reports of workplace violence understandably make



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responsible employers consider whether they are doing all they can to prevent similar incidents. This is especially true when the reports involve a mass shooting as was seen in San Bernardino, California, where 14 people were killed by a co-worker and his wife at a company holiday party.

While it may be impossible to completely prevent workplace shootings, employers would be wise to consider their current policies and practices and what they can do now to avoid a tragedy at their own company.

Workplace violence, like all violence, can have many different roots. Sometimes, it can be the result of relationships, whether working, social or romantic ones, gone wrong. It can also be the result of mental illness and even terrorism as was the case in San Bernardino. Further, it can be perpetrated by anyone — employees, former employees, spouses, clients, even strangers. The fact that it can be so unpredictable

makes workplace violence difficult for employers to completely eradicate. However, there are steps employers can take to try to reduce their risks.

First and foremost, employers should have a comprehensive policy prohibiting all forms of workplace violence and expressing their own commitment to maintaining a safe work environment. Notably, pursuant to the Occupational Safety and Health Administration, employers have a responsibility to provide a safe work environment. Further, the OSHA fines for non-compliance can be significant.

Employees should also be instructed to report all violent acts or threats. The mantra of “if you see something, say something” should be encouraged. Some companies have found hot lines where employees can leave anonymous complaints to be helpful in encouraging reporting without fear of retribution. The company should then be prepared to thoroughly and promptly investigate any complaints it receives, and managers must be instructed not to retaliate against anyone who raises a concern.

When a company is concerned about the risk posed by one of its employees, seeking outside help can be a good idea. Employers may need to contact law enforcement or a risk



assessment specialist who can help evaluate the danger, if any, posed by an individual.

### GUNS AT WORK

Companies may want to also consider running drills and having an emergency response plan in place in case of an emergency. Individuals should be in charge of contacting emergency personnel, notifying employees and/or their emergency contacts of any dangers, and even arranging for grief counseling in the aftermath of a tragic event.

Employers can also conduct safety audits and examine whether any physical improvements to the workplace can be implemented. Options include upgraded security systems, dead

bolts on doors and even a designated safe room. Additionally, the Department of Homeland Security’s website offers free training videos and pamphlets for active-shooter scenarios that employers can use in any training they provide.

As for weapons themselves, companies have greatly varying views. Some large companies have armed guards and others allow employees to carry guns in the workplace. On the other hand, many companies want to create gun-free zones and prohibit all weapons in the workplace.

In Florida, the guns-in-the-workplace law actually bans public and private employers from prohibiting customers, employees or invitees from possess-

ing any legally owned firearm when that firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee or invitee is lawfully in such area. In other words, employers cannot prevent individuals from having guns in their own cars in the company’s parking lot.

Further, they also cannot inquire about whether individuals have firearms in their cars or search cars to ascertain the presence of a firearm. So while Florida employers may still prohibit guns inside their businesses, they may generally not take action as to guns stored in privately owned cars on their premises.

Employers should also take heart in knowing many experts do not believe that workplace violence is actually increasing despite the attention received in the past year. The odds of experiencing a mass shooting are still extremely rare. By being proactive, however, with training, policies and an examination of any security weak spots, employers can give themselves the best peace of mind possible that they are prepared to avoid or handle a violent incident in the workplace.

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