



# Taking Aim At Workplace Violence

## Insights

### 5.01.12

A recent shooting death in Long Beach, California, has placed the issue of workplace violence back on employers' radar-screens. On February 16, a federal immigration agent was shot and killed by a coworker while at the workplace. The shooting occurred after a counseling session escalated into a physical confrontation and then turned deadly. In addition to the fatality, another agent was shot and wounded.

### **The Scope Of The Problem**

Such incidents are an employer's worst nightmare, and recent data suggests that workplace violence occurs more frequently than might be expected. A recent survey from AlliedBarton Security Services entitled "Violence in the American Workplace" revealed that 52% of Americans who work outside their home have "witnessed, heard about, or have experienced a violent event or an event that can lead to violence at their workplace." The survey also linked the likelihood of workplace violence to low employee morale.

Employers should give these findings particular attention given the current economic climate in this country. With the nation's unemployment picture showing only modest improvement, and with job security continuing to be a concern for many, employee morale may be shaky at many workplaces.

Employers need to regularly gauge the morale of their workforce and be vigilant in monitoring situations that could develop into physical confrontations. Properly educating your employees about handling workplace disputes is critical. You should also maintain and enforce tough anti-violence policies so that employees are on notice that violent behavior will not be tolerated.

### **State Laws That Don't Help**

One movement that may be complicating employers' efforts to reduce lethal workplace violence is legislation at the state level. At least 13 states have now passed laws that allow employees to keep firearms in their vehicles while at work. These so-called "bring your gun to work" laws were enacted in response to the restrictions that many private employers have against allowing guns to be stored in workplace parking lots. Of course employers established these rules to decrease the likelihood of workplace shootings. According to the most recent data from the Bureau of Labor Statistics (2009), there were 420 fatalities as a result of workplace shootings.

Another state may soon join the list of states with "parking lot gun laws." Proposed legislation in the Tennessee General Assembly would allow employees to store their firearms in vehicles parked at

Tennessee General Assembly would allow employees to store their firearms in vehicles parked at work and would apply to both private businesses and public institutions. The measure, supported by the National Rifle Association, would also cover any firearm owner, not just those with state-issued handgun permits.

But some lawmakers have expressed concerns about the breadth of the proposed legislation and have suggested that a 2008 Georgia law is a better model. Georgia's gun law excludes parking lots that are fenced or have gates. Georgia also allows employers to prohibit employees from bringing weapons onto company property if they have been subject to disciplinary action.

### **Defending Against The Problem**

Employers must consistently monitor the workplace to prevent any violent episodes. Depending on the state in which the employer operates, a prohibition against firearms on company property may not be possible. But you can minimize your risk with education, proactive monitoring, and consistent enforcement of anti-violence policies.

---

*For more information, contact the author at [TBoehm@fisherphillips.com](mailto:TBoehm@fisherphillips.com) or 404.231.1400.*

### ***Related People***



**Ted Boehm**  
Partner  
404.240.4286  
Email