

National Gun Control Debate Spills into Workplace

By Holly Culhane, Contributing Columnist



It's not surprising that the debate over gun control that is roiling across the nation is spilling into the workplace.

More than 20 states have enacted "parking lot gun laws," which require employers to allow their workers to bring guns onto company property, as long as the weapons are locked in parked vehicles. Some states may go further. Several legislatures are considering laws that would prevent employers from banning guns being carried into office spaces.

While California has not passed a parking lot gun law, the actions in other states and the national gun debate seem to be causing some confusion in California over the rights of employers to impose workplace rules.

Gun owner advocates contend a gun ban that includes a company's parking lot harms workers who commute long distances and need to have a weapon in their vehicle for protection. They also argue that such a ban violates a worker's Second Amendment rights.

Many company owners have pushed back, contending parking lot laws violate their private property rights, which include being able to decide how company property is used, and exposes them to liability if weapons are used to injure or kill co-workers and others.

According to studies by ASIS International Foundation, a Virginia-based security association, and the U.S. Justice Department, workplace homicides average about 500 a year in the U.S. Shootings account for about 80 percent of these homicides, with most involving robberies and 21 percent stemming from employee disputes.

Every year, there are headline-grabbing incidents of disgruntled workers who open fire on supervisors and colleagues after being disciplined or in the wake of a heated argument. In some cases, the shooter retrieves a weapon from the vehicle he parked in the company's lot.

In California, employers can ban weapons from workplaces, including parking lots. Some employers, however, are reluctant to do so. They fear they will be perceived as taking sides in the national gun debate. They fear they will get a backlash from groups that have boycotted companies for banning guns.

A company's gun policy really should be part of an overall strategy of providing employees with a safe workplace, and that strategy requires:

Assessing workplace risks – Assemble a team that includes human resources and risk management consultants, supervisors and workers. Identify risks. Involve workers in the assessment and develop a mechanism for them to easily report potential threats.

Developing a risk-management strategy – This should include formulating written policies for “zero tolerance” of violent and intimidating behavior. A written gun policy that allows or bans guns on company property should be included in the strategy. Risk-management policies should be communicated to all employees.

Training supervisors – Identifying and effectively responding to the red flags of possible workplace violence requires all supervisors and managers to be trained.

Providing support staff – Professionals available through an employee assistance program can help address smoldering problems before they erupt into workplace violence, and a third-party 24-hour employee hotline gives employees an option in reporting their concerns.

Employers are required by both California and federal laws to provide employees with a safe workplace. And that requires employers to think and act proactively when it comes to potentially volatile workers.

This article written by Holly Culhane first appeared online and in The Bakersfield Californian on Tuesday, June 18, 2013. Holly Culhane is president of the Bakersfield-based human resources consulting firm P.A.S. Associates. She can be contacted through her website www.pasassociates.com and through the [PAS Facebook](#) page or by phone at 631-2165.

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