

Firearm Policy at the Workplace

The growing incidence of gun related crime has become almost a perennial problem all over the world. The problem gets disconcerting when it is considered that workplaces are not immune from the threat of gun related activity. The right to bear firearms is a constitutional right in the United States of America. In other societies, its nothing more than the granting of a privilege, where the individual on application to the Commissioner of Police, may be granted a licence to carry a firearm.

The holder of a licenced firearm has the responsibility to ensure its safe storage and keeping at all times. It begs the question if management personnel or employees who have a licenced firearm, have a right to bring their firearm into the workplace. Some enterprises and organizations have clear policies where guns, knives and any other form of weapon are not allowed in the workplace. This is seemingly meant to be a protectionist policy, which safeguards and protects employees, customers and users of any establishment from any indiscriminate, provoked or unprovoked behaviour, by any individual within the compound.

There have been several known recorded incidences, where an employee has entered the workplace and turned a gun on fellow employees. History has also recorded incidences where members of Parliament in jurisdictions across the world have brandished and threatened to use a fire arm against a person(s). At all levels, such behaviour underscores the need for enterprises and organizations to take security rather seriously. It is advisable that all workplaces have a Safety and Health at Work Policy, in which reference is made to the carrying of a licenced firearm unto the premises.

It is established that the onus rest with the employer to ensure a safe work environment and the prevention of workplace violence. This being the case, a license to carry a weapon should not supersede the company's policy. For the purpose of establishing what is considered the company's property, reference is made to the definition provided by the Society for Human Resource Management. It defines the company's property as "all company-owned or leased buildings and surrounding areas such as sidewalks, walkways, driveways and parking lots under the company's ownership or control. This policy applies to all company-owned or leased vehicles and all vehicles that come on to company property." In applying this definition, it is certain to negate any misunderstanding regarding the boundaries of the company's property.

It is however reasonable to assume that a case can be made for an allowance to apply to licenced gun holders. On this matter, guidance can be sought from the law existing in

Alabama. This reads: “Pursuant to Alabama Act 2013-283, the company may not restrict an employee from transporting or storing lawfully possessed firearms in the employee’s privately-owned vehicle, while the vehicle is in company designated parking areas, if and only if all of the following requirements are satisfied: 1) The employee’s vehicle is operated or parked where it is permitted to be; and 2) The firearm is either: a. kept inside the vehicle and out of sight, while the employee is attending the vehicle; or b. kept out of sight, locked in a compartment, container, or in the interior of the vehicle or in a compartment or container securely affixed to the vehicle, when the vehicle is unattended.”

In the applying the Alabama Law, it does not remove the security threat. The option is left to employers to have the necessary screening at points of entry to the building. To give effect to this, issue of cost would more than likely present as a big problem to micro, small and medium size businesses. Notwithstanding an enterprise having in place a Safety and Health Policy or a Workplace Firearm Policy, the possibility of a concealed weapon being brought on the premises remains a reality. With the rising incidence of gun violence in society generally, it matters most that every enterprise places attention on the best options available to it, so as to ensure a safe working environment.

With the value first on human life, followed by that of the investment, there is a need for enterprises to work closely with the Police or security consultants in an effort the acquire the necessary advice and assistance in arriving at the best security options, systems and the development of protocols.