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## BLOGS

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# Keeping Work Safe

Nearly every employer has dealt with a difficult employee, a tense termination, or a particularly serious workplace conflict. In the wake of a tragic event like the recent [Roanoke news station shooting](#), many employers are looking for better ways to handle employee conflicts and protect employees. According to [OSHA statistics](#), each year nearly two million Americans report being victims of workplace violence (which includes physical violence, threats, harassment, and abuse). While no policy, procedure, or safety measure can guarantee security, employer policies and procedures are the first step to creating a safe working environment. Therefore, it is important for employers to periodically review safety practices.

A recent series of *New York Times* articles [<here and here>](#) detail the various warning signs raised by the former Roanoke news station employee, Vester Lee Flanagan II, and some of the steps taken by the employer to deal with the workplace issues. Prior to his violent shooting of three individuals, Mr. Flanagan had been disciplined for having a heated conversation with a colleague, and some colleagues felt threatened and uncomfortable with him. When he was terminated for ongoing performance issues, he left in a rage and handed the news director a cross, saying You'll need this. Mr. Flanagan filed an Equal Employment Opportunity Commission discrimination complaint against the news station, as well as a lawsuit arising out of his dismissal.

Mr. Flanagan's employer reacted to his performance issues in several ways. They ordered him to obtain counseling through their employee assistance program or lose his job. The employer also plainly warned him that it would discipline him for abuse or harassment of coworkers. The news station called the local police to escort Mr. Flanagan out of the building after his termination, and they hired off-duty police officers to provide security for several days after Mr. Flanagan's angry reaction to his termination.

Employers can and should take decisive action when employees are abusive, harassing, violent, or intimidating towards other employees. In fact, employers face potential lawsuits (with claims like negligent retention or supervision) if they fail to adequately protect employees from violent coworkers, as happened in the aftermath of the [Accent Signage shooting](#) here in Minnesota. On the other hand, employers must take care to not run afoul of other laws, like the Americans with Disabilities Act or other applicable state human rights acts which prohibit discrimination on the basis of disability, including mental illness. Generally speaking, employers can take action based on the inappropriate acts of employees such as violent confrontations with coworkers or harassing comments but employers should be cautious and seek legal counsel when they are aware of mental health issues or other disabilities.

The following are just a few items for employers to consider in reviewing their workplace safety:

- Policies regarding harassment, discrimination, and workplace violence should be a key focus of training, both for employees and supervisors.
- Workplace premises should be appropriately secured and monitored during and after business hours.

- Employers should consider an employee assistance program and, if they have it, encourage its use.
- Employers need to have emergency action plans, both for situations like dangerous persons and for other emergency situations like tornadoes and fires. Because each employer and each workplace is different, the plans must be site-specific and require training to ensure all employees are aware of the protocol.
- Special care needs to be paid to the termination of high-risk employees to ensure that the discussion is safe, affirms the dignity of the person, and provides clear next steps. Employers may also want to consult a trained mental health professional about how to best handle the termination.

While tragic workplace violence incidents are relatively rare, the issues that they highlight are a part of every workplace. Employers should periodically evaluate what further steps they can take to ensure their workplace is as safe and productive as possible.