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# **An Ethical Analysis of the Second Amendment: The Right to Pack Heat at Work**

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## **ABSTRACT**

We examine the issues concerning the legality and ethicality of the Second Amendment right to bear arms balanced by the employer's duty to provide a safe workplace for its employees. Two court rulings highlight this balancing act: McDonald et al. v. City of Chicago et al. and District of Columbia v. Heller. "Stand Your Ground" and "Castle Doctrine" laws in the recent Trayvon Martin shooting on February 26, 2012 are also applicable. Various ethical frameworks examine the firearms debate by viewing the Second Amendment from three perspectives. These include a pro-gun perspective drawing upon libertarianism and fundamental rights; a moderate gun perspective drawing upon consequentialism and stakeholder theory; and finally, an anti-gun perspective drawing upon a Public Health Ethics and peace ethics approach. We explore the issue of gun control from a business perspective as employers face ethical decisions

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in responding to legislation that allows guns in the workplace and/or in employer parking lots while still being responsible to provide a safe workplace for their employees. We make recommendations regarding how companies should manage by proactively avoiding legal challenges to employees' rights to own and carry guns into the workplace. This includes emphasis on enhanced security, Human Resource policies and monitoring rapidly changing laws.

## INTRODUCTION

The purpose of this article is to provide an ethical analysis of the Second Amendment right to bear arms balanced by the employer's duty to provide a safe workplace for its employees. Following the tragic shooting of 20 elementary school children and 6 teachers at Sandy Hook Elementary School in Newtown, Connecticut, the reaction as to how to prevent and address such future mass shootings ranged from calls to enforce current gun control legislation to arming teachers with guns in the state of Texas.

To place Sandy Hook Elementary School within a larger context, according to the Bureau of Labor Statistics, between 1997 and 2010, there were a total of 8,666 occupational homicides, of which 1,512 involved a work associate killing a coworker or former coworker ( $n = 894$ ), or a customer or client ( $n = 618$ ), followed by relatives ( $n = 311$ ), and lastly other personal acquaintances ( $n = 323$ ). With respect to gun use, of the 8,666 homicides, 6,850 were shot, including 639 who were shot by a work associate, 389 shot by a customer/client, 250 shot by a relative, and 266 shot by a personal acquaintance. Hence, a vast majority of all homicides involved gun use.

Our article contributes to the literature by viewing the ethicality of gun control from a business perspective, and doing so from a variety of popular ethical frameworks (as opposed to taking a position on one in particular): Libertarianism, Fundamental Rights, Consequentialism, Stakeholder, Public Health, and Peace. Exploring the Second Amendment using these various frameworks allows us to view the debate from (1) Pro-Gun,

(2) Moderate-Gun, and (3) Anti-Gun perspectives. We believe that understanding the debate from these various perspectives will allow for a better understanding of the nuances of the ethical debate facing the business world regarding gun control. In the end, we shall put forth our position among the three frameworks.

### ***Landmark Case Decisions***

As of late, the Second Amendment right to possess and use firearms has been a focus of attention within our legal system and popular culture. The legality and ethicality of this issue have come to the forefront recently with respect to a 2008 Supreme Court ruling in the *District of Columbia v. Heller* and a related case at the appellate court level of *McDonald et al. v. City of Chicago et al.*—both of which we shall elaborate upon later. Currently, the right to bear arms is under even more scrutiny because of the “Stand Your Ground”<sup>1</sup> and “Castle Doctrine”<sup>2</sup> delineated in various state and municipal laws and ordinances.

In *McDonald v. Chicago* (2010), the appellate court ruled that the Second Amendment only protects a right to possess a firearm in the home for lawful uses such as self-defense. It stressed that some firearm regulation is constitutionally permissible. In addition, the Second Amendment right to possess firearms is not unlimited. It does not guarantee a right to possess any firearm, anywhere, and for any purpose. This is what the “Stand Your Ground” laws attempt to address.<sup>3</sup>

### ***“Stand Your Ground” and “Castle Doctrine”***

Duty to retreat laws require first that an individual in imminent threat of personal harm must retreat from the threat as much as possible before responding with force in self-defense. “Stand Your Ground” laws, which are enacted in more than 30 states, are essentially a revocation of the duty to retreat. In many states with “Stand Your Ground” laws, a claim of self-defense under a “Stand Your Ground” law offers immunity from prosecution (Stand Your Ground laws n.d.).

Even in states that require people to retreat from the threat of imminent harm before defending themselves, a person can often use deadly force against someone who unlawfully enters their

home; this is known as the “Castle Doctrine”. This rule allows people to defend their homes, property, and possessions against intruders through lethal force (Stand Your Ground 2012). “But it is ambiguous, when given examples of citizens’ use of deadly force in defense of their home, vehicle, or places of business, how the criminal justice system will interpret scenarios that fall within the gray or less defined areas of acceptable behavior” (Boots et al. 2009, p. 530).

“Stand Your Ground” and Duty to Retreat recently came into public view in the Trayvon Martin versus George Zimmerman case. George Zimmerman’s legal behavior under the Second Amendment and the State of Florida’s “Stand Your Ground” law (i.e., in an oversimplified synopsis, Zimmerman felt threatened by Martin and subsequently shot him, Martin was unarmed) led to Zimmerman’s arrest for the death of Martin. While this case is prominent in part because of its racial connotations and scrutiny by the popular press, there are numerous other instances of “Stand Your Ground” confrontations in 18 states that have similar laws. Relatedly, 25 states have “Castle Doctrine” laws. The right to possess firearms is dependent on interpretations of a combination of the Second Amendment and the enforcement of various states “Stand Your Ground” laws and “Castle Doctrines”.

### ***Why This Is a Business Issue***

The Second Amendment is a business issue because the employer has a duty to provide a safe work environment, but this may be constrained by an individual’s Second Amendment right to bear firearms (General Duty Clause of OSHA). There could be a conflict because the Fifth Amendment limits employer’s right to control its property—the plant facility, and limits the individual’s right to control his or her property—the firearm. Businesses must find a way to balance the duty of providing a safe workplace within our legislative structure.

Take, for example, corporate support for the American Legislative Exchange Council (ALEC), which has as its motto “Limited Government · Free Markets · Federalism.” This organization is funded by corporate support from many Fortune 500 companies. The ALEC formerly supported “Stand Your Ground” self-defense laws but has recently withdrawn its support of this legislation

after numerous of its business supporters withdrew their financial support of the ALEC's "Stand Your Ground" activities (Ingram 2012). The corporate supporters who have withdrawn their support of the ALEC include Coca-Cola, PepsiCo, McDonald's, Kraft Foods, Wendy's, and the Bill and Melinda Gates Foundation. Other companies remain supportive such as AT&T, Johnson & Johnson, Pfizer, Diageo, Wal-Mart, and the industry trade group Pharmaceutical Research and Manufacturers of America (Hamburger 2012).

When a company has a policy regarding guns in the workplace, it can generate input from both perspectives. Take the case of Starbucks for example. Starbucks has taken the perspective that company units will adhere to applicable state and local laws regarding open carry of guns. It also has its own safety measures in place for its stores. However, it has been boycotted by gun victims' advocacy groups, regarding Starbucks allowing guns in stores.

The National Gun Victim's Action Council (NGVAC) believes that Starbucks should follow the lead of other retail chains, like IKEA and California Pizza Kitchen, and enforce a ban within its stores. It believes that by allowing guns in Starbucks, it is putting all customers at risk. Elliot Fineman, CEO of the NGVAC states that "Open and conceal carry laws are among the reasons there are 12,000 gun homicides each year in the U.S." (Gordon 2012). Adams (2006) suggested that an employer might be found liable for negligence by failing to protect its employees and customers. Clearly, finding the optimal path for businesses in this arena has not reached a consensus—hence, this article attempts to aid in the analysis of the matter by providing an ethical analysis of the issue.

### ***Why This Is an Ethical Issue for Businesses***

The right to bear arms is fundamentally defined by the Second Amendment, but its use has far-reaching ethical consequences. There are literally life and death consequences, health and welfare consequences, and consequences for society as a whole. The employer, as a social entity, has particular obligations, which extend beyond the employer's domain.

But do employers have any responsibility of what happens to employees, customers/clients, or innocent bystanders beyond the physical boundaries of their workplace? Some would assert that employers have a duty to protect employees and others, even away from company premises, as was the case on August 25, 2012 when nine bystanders were wounded and a current employee of Hazan Import Co. was fatally shot by a former Hazan Import Co. employee who was terminated. A similar event transpired in Connecticut, where five bystanders were killed (Hayes 2010).

### **THE DUEL BETWEEN TWO COMPETING PERSPECTIVES ON RIGHTS**

The Second Amendment of the U.S. Constitution is unclear with regard to the proper interpretation of the literal words and the corresponding meaning of the text: *A well-regulated Militia being necessary to the security of a Free State, the right of the people to keep and bear Arms shall not be infringed.* On one side of the duel are those that support the “individual perspective” thesis. On the other side of the duel are those that advocate the “collective perspective” thesis, which is associated with states’ rights. Busch (2003) argues that at times, this right is regarded as an individual right and at other times as a collective right. Of course, the U.S. Supreme Court is the official interpreter of the Constitution.

Our focus will be on the ethical issues surrounding these two competing rights with regard to bringing guns to work, which is particularly relevant given the previously mentioned two recent U.S. Supreme Court decisions and several “Parking Lot” gun laws enacted in states like Florida. “Parking Lot” gun laws allow workers to keep firearms within their vehicles (such as when parked outside their workplace).

The concern with these gun laws is that such legislation challenges employers to comply with the General Duty Clause of The Occupational Safety and Health Act and maintain a safe work environment. Glazer-Esh (2010) postulates the effects upon employers with the passage of such laws:

Employers fear that the presence of firearms on company property could increase incidents of workplace violence. . . .

It is far easier for workplace violence to occur at the hands of a disgruntled employee who only has to step outside and walk a short distance to retrieve his stored gun from his car than at the hands of the same disgruntled employee who has to go home to retrieve that same weapon. (pp. 668)

The legal debate regarding guns at work remains unsettled but it seems that state legislatures and courts are moving in the direction of allowing access to guns at work. The Society for Human Resources Management (SHRM), the official professional association of human resources management professionals in the United States, adopted in November of 2007 a public policy statement on this issue entitled “Public Policy Statement on Weapons in the Workplace.” The issue as framed by SHRM in this public policy was written as follows:

The ability of employers to assess the safety needs of their organizations and establish appropriate policies—be it to prohibit, limit, monitor or permit weapons in the workplace—is paramount to the overall success and sustainability of their workforces. SHRM believes that decisions regarding weapons in the workplace should be left to each individual employer. (Society for Human Resources Management 2007, p. 1)

SHRM states that the proposed position of this public policy is “to support employer’s freedom to decide how to best create a secure and safe workplace” (2007, p. 1). In 2012, SHRM clearly outlined its position on weapons in the workplace promulgating the following:

SHRM opposes any restrictions on the right of employers to determine their own worksite policies regarding weapons on company property (including parking lots). SHRM’s position in no way involves the broader issues of gun control or gun ownership. (p. 15)

This public policy position arose based upon statutes in 16 states to bar an employer from enforcing a no-weapons policy on company property (Society for Human Resources Management 2012). With regard to possessing firearms at work, the employer can develop and implement a policy to forbid firearm possession on workplace premises including parking lots, and an employee



can argue that this company policy violates their privacy and liberty rights. However, a separate argument can be made by the employer that by not allowing firearms on work premises the promotion of well-being is being advanced. It is these complexities, which shall be examined in this article.

All alluded to earlier, the aims of this article are to advance the existing body of knowledge regarding the ethics of guns in the workplace and to contribute to the managerial understanding of the extant literature through an ethical analysis of the Second Amendment given the passage of the two recent U.S. Supreme Court cases. Furthermore, this article briefly describes six ethical theories. Two ethical theories (Libertarianism and Fundamental Rights) strongly favor guns at work (pro-gun framework). Two ethical theories (Stakeholder and Consequentialism) moderately favor guns at work (moderate-gun framework). Two ethical theories (Public Health and Peace) oppose guns at work (anti-gun framework). Then, two scenarios are presented and analyzed using the six ethical theories. Fundamentally, this article is a survey of ethical perspectives in relation to the Second Amendment. Any ethical theory can be used to frame political arguments. To this point, Beauchamp and Bowie (2004) comment that "political theory is also an ethical theory" (p. 29).

The selection of six ethical theories is intentional and fits with the observations of Petrick et al. (2012) who assert that current research in ethics advocates the use of more than a single, ethical theory. This view referred to as ethical pluralism is also put forth by Greenwood (2012) with regard to the ethical analysis of human resources management with a particular focus upon the sociopolitical aspects. Given our decision to view this issue from multiple ethical lenses, our analysis is still quite focused.

The emphasis here is on the application of ethical theory and the formulation of specific recommendations based upon the observation by Greenwood (2012) that a normative perspective is warranted in an ethical analysis of human resources management. Furthermore, this normative perspective should be sociopolitically embedded (Greenwood 2012), which is clearly the case in this analysis of the Second Amendment. As such, recommendations are provided to employers about how to proceed from an ethical perspective.

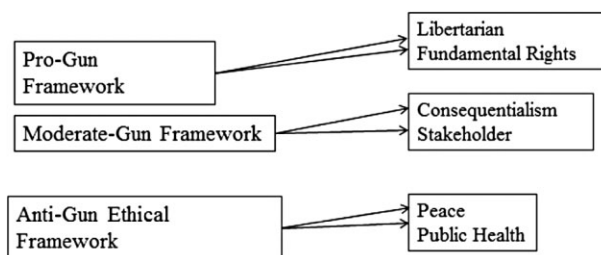
## TYPOLOGY OF PRO-GUN, MODERATE-GUN, AND ANTI-GUN ETHICAL FRAMEWORKS

The reader's attention is directed to the Typology of Gun Frameworks (Figure 1).

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**FIGURE 1** Typology of Pro-Gun, Moderate-Gun and Anti-Gun Ethical Frameworks.

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### ***Pro-Gun Framework***

#### **Libertarianism**

Libertarianism was selected as a pro-gun ethical argument, since it is supportive of the government's enforcement of the Second Amendment's right to bear arms, which comes into conflict with the employee's right to use private property in the Fifth Amendment. Libertarian philosophy is complex, and an exhaustive analysis is beyond the scope of this article, except as it applies to the Second Amendment. The core of the Libertarianism doctrine is the recognition that people have certain rights, natural and legal, and that deprivation of these rights is immoral. Among these rights are the right to personal autonomy and property rights, and the right to utilize that property (<http://legal-dictionary.thefreedictionary.com/Right+libertarian>).

The overall argument that guns result in violent crime deaths is countered by the experience in venues where crime and gun-related deaths have diminished after state and local municipalities passed ordinances permitting carrying of weapons. The

contention is that criminals will more carefully think about committing crimes if they know that potential victims might be armed. John Lott (2000), in "More Guns, Less Crime," explains that crime fell by 10 percent in Texas in the year after the laws were passed. A reason for the drop in crime may have been that criminals suddenly worried that their next victim might be armed. Indeed, criminals in states with high civilian gun ownership were the most worried about encountering armed victims.

Libertarians point to the diversity of state laws and how they vary with respect to what is required to possess a gun; Vermont and Alaska have the most libertarian approach: no permit needed. In Canada and Britain, both with tough gun-control laws, almost half of all burglaries occur when residents are home. However, in the United States, where many households contain guns, only 13 percent of burglaries happen when someone is at home (Leenaars and Lester 1997).

However, Hemenway (2011) concludes upon reviewing the scientific evidence that the health risks of possessing a firearm in the home overshadow the benefits. To this point, Hemenway (2011) argues, "The presence of a gun makes quarrels, disputes, assaults, and robberies more deadly" (p. 4). Quarrels and disputes are relatively common at work.

Additionally, there are many arguments against the more guns, less crime perspective on gun ownership, including the (mis)interpretation of the available statistics (Ayres and Donohue 2009; Lott 2000; Ludwig 2005). Lott (2012) asserts that empirical evidence to date is mixed with respect to the effects of right-to-carry laws on crime. Lott (2012) further describes how pointing to evidence in Washington, DC, and Chicago that crime did not rise after the passage of the right-to-carry laws, but is the issue the number of deaths or preventing a single death? A single death by homicide using a gun can capture not only the attention of family and friends but also the international media as in the case of Treyvon Martin, which was not a workplace homicide or in the case of Kitty Genovese whose death led to the development of understanding the bystander effect. In summary, libertarians argue about specific limits to gun ownership but overall lean in the direction of allowing individuals to own guns as an expression of both liberty and private property.

### **Fundamental Rights**

Fundamental rights were also selected as a pro-gun ethical argument, since it is supportive of the right to defend oneself. During the framing of the U.S. Constitution, self-defense was regarded as an essential (i.e., fundamental) individual right and even viewed as a natural law based upon the work of Thomas Hobbes (Powe 1997). This is in line with legal positivism. The ethical outcome of not accepting Fundamental Rights is that individuals may be unnecessarily killed or injured for not being permitted to defend themselves with a gun against an attacker. Another outcome for not accepting this ethical argument is that the U.S. Constitution may be eroded in its application in the workplace.

Between proponents of gun control and advocates of the right of individuals to bear arms is whether the right to bears arms is still a fundamental right (Stark 2001). In the United States, Fundamental Rights are often based upon the U.S. Constitution and State Constitutions. Pollock (1983) asserts “the first ten amendments to the United States Constitution set a minimum level of fundamental liberty for the citizens of the United States” (p. 709). The Second Amendment obviously is one of these 10 amendments.

At issue, both legally and ethically, is whether the Second Amendment offers protection against the infringement of a fundamental right. According to Levy (2010), courts are more stringent in reviewing any statutes or policies, which infringe fundamental rights as defined by interpretations of the U.S. Constitution. Arkes (2010) establishes a historical perspective about the nature of fundamental rights from a legal and ethical perspective as described in the following:

The first generation of jurists in the Framing era had a clearer sense of the connection between law and moral judgment, for they seemed to understand the moral groundwork that stood beneath the provisions of the Constitution and the statutes that were consistent with the Constitution. (pp. 496–497)

Upon further scrutiny, the question arises as to what is a fundamental right? The definition of a fundamental right then results in

the legal and ethical interpretation of a judicial decision. Even workplace policies are framed within the context of statutory law and judge-made law.

LaFollette (2000) regards fundamental rights as having boundaries. This viewpoint is similar to Levy's (2010) observation of Justice Scalia noting that the First and Second Amendment are not absolute. The lens through which to evaluate fundamental rights is both from the perspective of the individual and society (LaFollette 2000). To protect a fundamental interest of self-defense, it has been asserted that the right to bear arms is a fundamental right (Wheeler 1997). Therefore, with regard to gun control, the issue is centered on the rights of individuals and the potential for government to infringe upon these fundamental rights of individuals (LaFollette 2000). LaFollette (2000) therefore claims that the primary issue then is the role of the government. As such, this argument leans in the direction of gun ownership being regarded as a legal or state right.

In brief, the U.S. Supreme Court and some State Legislatures are regarding gun ownership as a fundamental right for individual citizens, which is to be protected by judicial decisions and laws.

### ***Moderate Gun Framework***

#### **Consequentialism**

Consequentialism was chosen for a moderate ethical argument, in that it seems to provide a balance. Both sides have a better understanding of the other's point of view by balancing the consequences of having guns with the consequences of not having guns.

Consequentialism is the doctrine that an action is right or wrong according to whether its consequences are good or bad. There are two major categories of Consequentialism: act and rule consequentialism (Heinzelmann et al. 2012). Consequentialists hold that everyone should know that they are morally required to act to bring about the best consequences, even though no human being can possibly know what act would result in the best overall consequence (Singer 2010).

When one views Consequentialism as it relates to gun control, two related questions emerge: what are the types of consequences

and to whom are they relevant? The issue is that it is difficult to discern consequences when the consequences could be prevalent throughout society. The consequences of the act of owning a firearm and the negative results may accrue to different parties. Moreover, the perception of the consequences varies by demographic characteristics (Bassin 1997). Even given demographic diversity, it is clear that different individuals view the consequences of guns differently.

The right to gun ownership is a pervasively felt right in the United States. More than 200 million firearms are held by civilians, at least one firearm can be found in 38 percent of all homes, and 16 percent of adults own a handgun (Vernick et al. 2007). It becomes exceedingly difficult to evaluate the consequences of individuals exercising their Second Amendment rights. There is no doubt that there is a psychological feeling of well-being for those individuals who carry a handgun for self-protection. However, it is well documented that a home in which there is a handgun is more likely to experience a homicide in the household. Vernick et al. (2007) note that

1. The presence of firearms is associated, on average, with a greater incidence of homicide, suicide, and unintentional firearm-related deaths in households and/or populations, after controlling for other factors associated with these outcomes
2. The burden of firearm-related death, crime, and injury in the United States is not evenly distributed throughout the population
3. Handguns are generally less prevalent in household settings and on the streets in jurisdictions with more restrictive licensing laws.

There are similar statistics for handguns in the workplace.

A study published by the American Journal of Public Health concluded employers' premises "where guns were specifically permitted were 5 to 7 times more likely to be the site of a worker homicide relative to those where all weapons were prohibited" (Loomis 2008).

Perceptions on the consequences of gun rights can be expected to be moderated by cultural factors. Gun control opponents tend

to be rural, Southern or Western, Protestant, male and white. Gun control proponents tend to be urban, Eastern, Catholic or Jewish, female and African American (Kahan 2003).

In essence, consequentialist arguments can be made for both sides of the debate on the Second Amendment. This may result in a level of complexity that makes it challenging to acquire any level of ethical clarity.

### **Stakeholder Ethics**

Stakeholders rights was considered to be a moderate ethical framework since it is a balanced framework taking into account a broader range of individuals, both internal and external to the organization. Since this ethical framework considers a wider range of individuals, it can be expected that employees, stockholders, and customers would be taken into account. A distinction between Consequentialism and Stakeholder Theory is a matter of the relative proximity of the stakeholder to the activity (consequence). Stakeholders in Stakeholder Theory are those impacted by the activity.

There are numerous questions to explore in taking a stakeholder approach to the Second Amendment. These include identifying who are the stakeholders, what are the obligations of different stakeholders, and determining if all the stakeholders are equal with respect to the Second Amendment (Mahon and Wartick 2003). These are broad questions in regard to the Second Amendment—but for the purposes of this article, we focus on the workplace.

What are the obligations to stakeholders? Given private property rights, employers should be free to enact policies and procedures to protect these stakeholders from injury, harm, and even death at work in the employment context. These employer obligations involve several considerations including the following: What is the obligation of employers to nonemployees who may be injured or killed in the workplace while the employer allows their employees their Second Amendment rights? In addition, stakeholders may be differentially treated by state law variations, including preemption of federal laws, or local restrictions.

The enactment and enforcement of laws at any level from the federal to the municipal emphasize the role of the government as a stakeholder. According to Verbeke and Tung (2012), the role of

the government is to improve the well-being of citizens. In addition, there are governmental prohibitions regarding who can possess guns.<sup>4</sup> There are also variations in where a gun may be carried. This allows stakeholders to be protected differently in different locations.<sup>5</sup>

Stakeholders are not equal with respect to the Second Amendment. One interesting part of the stakeholder debate about the Second Amendment is whether gun ownership is truly a right or a privilege and who can moderate this right or privilege. This is because states do vary with respect to gun ownership and registration requirements. Some states are “shall issue” states in which there is no local discretion about whether a permit is issued. Some states are “may issue” states in which there is local discretion. States also vary with respect to whether some individuals can be prevented from owning firearms in order to protect other stakeholders. In addition, there are prohibitions regarding who can possess guns.<sup>6</sup> This allows stakeholders to be protected differently in different locations.<sup>7</sup>

Stakeholders can act in a way that has an impact on the bottom line, including supporting the firm’s stance to gun control. For example, when Estee Lauder took a public stand for gun control legislation, it was threatened by a boycott from the gun lobby. Consumers in favor of gun control, however, made a conscious effort to buy even more from the firm in support of the firm’s stance. Thus, the expected outcome of supportive behavior on the part of stakeholders is improved financial performance (Peloza and Papania 2008).

Additionally, how an issue is framed may affect the stakeholders’ view of the issue. For example, Mahon and Wartick (2003) contend stakeholders would view gun control more favorably if it were framed in terms of gun safety. The Second Amendment is complex and takes into account the viewpoint from many different perspectives, ranging from the employees and customers to governmental bodies due to the diversity of potential stakeholders.

Therefore, the perspective taken using this approach will vary from employer to employer. Carroll and Buchholtz (2009) and more recently Verbeke and Tung (2012) emphasize how stakeholders may shift from one group to another over time. For instance, when an employee becomes promoted, they then belong to the managerial stakeholder group. Hence, it is critical to remember



that stakeholders have a temporal aspect with regard to changing their point of view and changing to which group they belong.

In summary, the decision to allow guns at work is based upon how the employer identifies stakeholders, considers the interests of stakeholders, balances the interest of diverse stakeholders, and frames the issue for stakeholders. Moreover, employers may owe different obligations to varying stakeholders.

### ***Anti-Gun Framework***

#### **Public Health Ethics**

Public Health Ethics was chosen for an anti-gun ethical argument. The pertinent ethical issue is the balancing of risks and benefits and the promotion of the common welfare even under the claim of self-defense. Those seeking to avoid harm, remove harm, prevent harm, or promote well-being would adopt a Public Health Ethics approach. The implication of not accepting Public Health Ethics as an ethical framework is that known harms may not be avoided resulting in avoidable death and injury.

It has been suggested that workplace policies allowing guns at work increase the risk of homicide of employees at work (Loomis et al. 2005). Specifically, “workplaces where guns were permitted were about 5 times as likely to experience a homicide as those where all weapons were prohibited” (Loomis et al. 2005).

As such, a Public Health ethical argument to promoting an anti-gun organizational agenda rests on the assumption to avoid harm and promote the general welfare. In making a decision to allow or not to allow firearms on the premises of workplaces, Loomis et al. (2005) indirectly draw upon a consequentialist ethical approach as evidenced by the following:

These findings bear directly on policy for workplace safety. In light of the evidence, it is reasonable to question the costs and benefits of policies permitting firearms in the workplace. (Loomis et al. 2005, p. 831)

National Rifle Association members and supporters assert the following: “Guns do not kill, people do.” However, guns are associated with greater lethality than other weapons such as knives and fists. According to Richardson and Windau (2003), approximately 75% of homicides at work result from injuries inflicted

with firearms. Given the greater lethality of guns, then the precautionary principle of the Public Health Ethics framework should be applied. According to Weber (2002), this principle places a much higher burden on the responsibility to prevent and avoid risks to Public Health. Therefore, if an employer has a policy allowing employees to bring guns to work, it is safe to assert that the risk of being a victim of workplace homicide is five times greater than if the employer did not have such a policy based upon the findings of the previously stated investigation (Loomis et al. 2005).

In conclusion, the Public Health Ethics approach boils down to the fact that the risks of potential harm especially in light of the lethality of firearms outweigh the benefits of protecting oneself and having the right of arming oneself at work.

### **Peace Ethics**

Peace ethics was considered to be an anti-gun framework, since peace is the antithesis of violence. Individuals both avoiding conflict and resolving conflict without resorting to armed confrontations would adopt such a framework. Within organizations, Alternative Dispute Resolution practices such as mediation are conflict management approaches, which emphasize the role of addressing conflict as collaborators not as adversaries. The ethical outcome of not accepting Peace Ethics is that the risk of more confrontational, adversarial, violent, and armed ways to resolve conflict will take place in organizations increasing the risk of psychological and physical harm.

Freedom from conflict is one dimension of peacebleness (Beck-Dudley and Hanks 2003). Furthermore, peacebleness is essential for human flourishing (Beck-Dudley and Hanks 2003) and human flourishing is related to both virtue (Barnes 1984) and the virtuous organization (Beck-Dudley and Hanks 2003). A virtuous organization focuses upon how an organization behaves (Solomon 1992). More specifically, Solomon (1992) identifies caring and compassion as virtues that should exist in the workplace.

Beck-Dudley and Hanks (2003) describe two assumptions about the virtue of peacebleness within the context of work:

An explicit assumption of virtue theory is that humans are respectful to each other, that they care about each other, and

that they exercise compassion. An implicit assumption, however, is that they exhibit peacebleness toward each other and toward their work environment. (p. 43).

It is unrealistic to strive for a workplace that is free of all conflict. As such, peacebleness is not defined in this fashion. It is defined as “freedom from hostile conflict” (Beck-Dudley and Hanks 2003, p. 434).

Another perspective of the notion of peacebleness in the workplace is the reality that workplaces are communities and that “one participant cannot choose peace without the cooperation and choice of peace by other participants” (Beck-Dudley and Hanks 2003, p. 446). According to Younkens (2008), “the legitimate aim of politics is peace and order” (p. 271). As such, any legislation, court ruling, and workplace policy should promote peace and order. This aim does not align with the previously mentioned findings of Loomis et al. (2005) reporting an increased risk of workplace homicide when guns are present in the workplace. Peace Theory therefore suggests that participatory organizational leadership through increased attraction to opportunities for voice possibly creates the situation that employees are likely to resolve disputes with words and not with more violent means (Nichols 1999; Peck 1988).

In summary, it is likely that an organization, which promotes peace within its organization, would most likely discourage the use of and the availability of weapons that do not promote peace.

### **APPLYING THE ETHICAL THEORIES TO REAL-LIFE WORKPLACE SCENARIOS**

The three frameworks and six corresponding ethical theories will now be applied to two actual real-life incidents of workplace violence to demonstrate the utility of these frameworks in framing the ethical decision.

#### ***Real-life Scenario 1—Shooting Spree***

Omar Thornton, a driver for a beer distributor, calmly agreed to quit after being confronted with surveillance video showing him

stealing beer. Shortly afterward, he started shooting. He fatally shot eight fellow workers and wounded two others at the company warehouse in Manchester, Connecticut, then killed himself. Thornton, who is black, alleged in a phone call to 911 that he had been racially harassed. However, his employers and union said he had never filed a complaint. Nothing in his work history or behavior suggested he would be violent, according to company representatives.

“Ten seconds before he started shooting, if you had asked me, does he look like he’s going to react in any way? I would have said ‘no, he seems calm,’ ” a company vice president grazed by the gunman’s bullets, told The Associated Press the day of the attack.

Statistically, a beer distributor is not a likely workplace for multiple murders to occur. Based on Bureau of Labor Statistics data (2011), only 3 percent of workplace homicides occur in the wholesale trade sector.

(Based on an incident, which occurred in Manchester, Connecticut, August 2010)

### ***Pro-Gun Framework***

Both the Libertarian and Fundamentalist perspectives would agree that murder is unacceptable. This would include murder by a firearm, whether inside or outside of the workplace. That said, both the Libertarian and Fundamentalist perspectives would look at this scenario and argue for the right to bear firearms as a means of either preventing this incident or reducing the negative impact.

### **Libertarianism**

From a Libertarian perspective, if people in the workplace had been armed, or had easy access to their firearms, this individual may not have been motivated to go on a killing spree knowing he would encounter deadly resistance in return. He would likely pause to take a mental calculation, balancing the “pros” of shooting others versus the “cons” of being shot and possibly killed in the process. Firearms in this case would be a deterrent. In addition, even if the knowledge that others could also get their firearms was not a sufficient deterrent, then at least it might have possibly cut down the number of casualties. Thus,

absent armed guards in the workplace to protect the employees against such atrocious acts (an expense unlikely to be taken by most manufacturing plants), the next best option would be let people protect themselves via either the possession of, or access to, a firearm.

### **Fundamental Rights**

The Fundamental Rights perspective to this scenario is equally straightforward. The right to bear firearms is a right granted to us as citizens in the United States by our Constitution. Although murder is not accepted or tolerated by Constitutional Fundamentalists, the fact is there are situations where people, or collectives of some type, attack others with the intent of killing them. This scenario is an example of such an attack; in this case, a rogue individual is killing defenseless people. Regardless of the reason this person had for embarking on this killing spree, we as individuals have the moral and ethical right to protect our families and ourselves, luckily this basic obligation is protected in our legal rights as U.S. citizens. Had more people exercised their fundamental right to bear arms, or have easy access to them, this situation may have had a better outcome.

### ***Moderate-Gun Framework***

The Consequentialism and Stakeholder perspectives are two theories that do well to acknowledge the involvement and concerns of multiple contributing parties. As such, decisions based on what is morally good or morally bad behavior is often attributed to differences in perspective. Therefore, arguments for and against topics such as the right to bear arms in the workplace are not as straightforward when it comes to the application of such theories.

### **Consequentialism**

According to the Consequentialist perspective, an action is determined to be morally proper or morally improper based on a cost-benefit analysis of the consequences involved. If an action results in consequences that are predominantly favorable, then the action is good. If an action results in consequences that are predominately unfavorable, then the action is bad. Yet

consequences under the principles of Consequentialism can affect groups differently thereby making judgment of actions much less straightforward.

As indicated above, the Consequentialist perspective often requires two considerations: what are the types of consequences and for whom are the consequences? Given the above scenario, supporters of gun control would argue that the unfavorable consequences of the employee's behavior demonstrate why there should be policies in place to prohibit employees from bringing guns into the workplace. On the other hand, opponents of gun control would argue that the consequences of not allowing employees to protect themselves via the possession of, or access to, a firearm would result in greater unfavorable consequences, such as the high number of casualties demonstrated in the above scenario. If employees had been armed, then the employee in this scenario may have reconsidered his actions with the understanding that others may have access to firearms, or if he had still engaged in the act, then it is possible that employees will have been able to cut down the number of casualties. As such, consequences change based on perspective.

### **Stakeholder Ethics**

The Stakeholder perspective identifies several groups that affect or are affected by the organization's policies and procedures. As indicated above, such stakeholders include, but are by no means limited to, the employees and managers of an organization, members of the public, legislators, and stockholders. Given the above scenario, supporters of gun control would argue that organizations have a social responsibility to its employees and managers. As such, organizations should instill policies and procedures that prohibit employees from bringing guns into the workplace in order to protect all employees and managers of the organization from harm. On the other hand, opponents of gun control would argue that organizations have a social responsibility to its employees and managers and therefore by not allowing employees and managers to protect themselves via the possession of, or access to, a firearm would result in potentially putting employees' and managers' safety at risk. If the organization in the scenario had allowed its employees and managers to protect themselves via firearm, and the employees or managers had been

armed, then the employee could have reconsidered his action or the number of employee casualties could have been reduced. In effect, consideration of the interests of multiple stakeholders can produce conflicting views.

### ***Anti-Gun Framework***

#### **Public Health Ethics**

According to Public Health Ethics Theory, the above scenario is a good example of why organizations need a policy that does not allow employees to bring guns to work or to the parking lot of the organization. When there is no policy forbidding the carrying of guns, it is more likely that an individual might be carrying a gun near the grounds. While not every employee will follow the rules, it increases the likelihood that an employee will not have a gun in a volatile situation. Without this policy, it makes it too easy to have access to guns in an emotional situation, and thus too easy to use the easily accessible weapons.

Due to the nature of the event (having to quit his job because he was caught stealing), the employee was probably very emotional and likely angry at the situation. If he did not have easy access, he might have had to go home and get his gun or buy a gun, which would take even longer. Both situations would have given him a “cooling off” period. By the time he accomplished the event of acquiring a weapon, he might be thinking more rationally about his situation, he might come up with a less tragic way to deal with his situation. Since the literature shows that workplaces where guns were permitted were about five times as likely to experience a homicide as where all weapons were prohibited, this situation is less likely to occur if (1) individuals are not carrying guns and (2) they are less likely to carry guns if they are prohibited by the organizations’ policy. According to Loomis (2008), a no-weapons policy that bars guns from the workplace may be effective in preventing the personal violence that is not planned from becoming lethal.

#### **Peace Ethics**

Beck-Dudley and Hanks (2003) develop a normative model for considering how corporations can be authentic communities.

Their theory is that in becoming authentic communities, businesses will be in a better position to foster virtues that may have positive spillover effects into the local community.

In this scenario, it is likely that an organization that promotes peace would not allow and would have policies in place that do not allow guns. Guns readily accessible would not promote peace. In addition, an organization could have conflict resolution mechanisms in place and employees would have access to Employee Assistance Programs to help them deal with undue stress in their lives.

Furthermore, the employee would have an opportunity to express his voice in the workplace. This would potentially reduce the urge for a violent reaction in the workplace. In this scenario, however, managers had no indication of the employee's potential for gun violence. It is possible that in another scenario, they could have had an indication of the potential and referred employees for treatment.

### ***Real-life Scenario 2—Spillover of Domestic Violence***

Marsha Midgette, a Wal-Mart employee, only recently had been suffering physical abuse from her husband of 26 years prior to the incident in question. Her husband, who had been suffering from depression, recently had checked out of the mental hospital against medical advice. In the abuse incident, Marsha was injured, requiring an emergency room visit and a subsequent arrest of her spouse. His bail required him to stay away from his wife until his court hearing, but no specific court order was issued. Management was aware of his ongoing abuse toward Midgette but was not aware of imminent danger of serious harm.

Prior to the time her shift was to start, the store employee stood in the break room. Her husband, in violation of his bail requirement, entered the room, took out a 22-caliber revolver, shot his wife in the head, and then shot himself. He did not survive the shooting, but she did. The employee sued the employer, claiming that it breached its duty to protect her in the following ways: by failing to call the police when they knew that her husband was there; by having inadequate security; by failing to provide her a safe environment to work; and by failing to have in place a policy to address



spousal abuse and training management on how to handle such abuse.

(Based on *Marsha Midgette, Plaintiff, v. Wal-Mart Stores, Inc.*, 317 F. Supp. 2d 550; 2004 U.S. Dist. LEXIS 359)

### ***Pro-Gun Framework***

As stated previously, neither the Libertarian nor Fundamentalist perspective condones murder whether by firearm or otherwise. Looking at this scenario from both a Libertarian and Fundamentalist perspective, both would also note that domestic violence is a terrible act. However, domestic violence occurs whether firearms are present or not. The presence of a firearm allows finality to the dispute. In this case, there is a specific target to the violence and motivation to cause harm to this target. Had the perpetrator not been given easy access to the victim in the workplace then the same result would likely happen at a different locale.

### **Libertarianism**

As indicated above, from a Libertarian perspective, there is contention that a handgun should be useful, perhaps exclusively useful, for self-defense. In this particular case, had the victim of domestic violence been armed, or had easy access to a firearm, then by contention, the perpetrator may have been deterred in aggressively seeking out the individual. Additionally, given the locale of the workplace, if people in the workplace had been armed, or had easy access to their firearms, the perpetrator may have been less motivated to enter the victim's place of employment knowing he may encounter resistance from witnessing coworkers. Therefore, from a Libertarian perspective, a firearm would serve as a deterrent to allow people (victims) to protect themselves via possession of, or access to, a firearm.

### **Fundamental Rights**

From a Fundamental Rights perspective, it has been asserted that the Second Amendment offers protection against the infringement of a fundamental right. The fundamental right to bear arms helps to protect other fundamental rights such as self-defense (Wheeler 1997). Therefore, one has a fundamental interest in avoiding harms that would expose oneself to injury and/or death due to

violence (Stell 2001), in this particular case, domestic violence. Hence, from a Fundamental Rights perspective, we as individuals have the moral and ethical right to protect ourselves. Had the victim or coworkers in this particular establishment exercised their fundamental rights to bear arms, or have easy access to them, this situation may have had a different outcome.

### ***Moderate Gun Framework***

#### **Consequentialism**

According to Consequentialism, consequences must be considered in addition to those affected by the consequences. Given the scenario of the spillover of domestic violence in the workplace, the consequence of a volatile individual having access to a gun allowed for the occurrence of an extreme example of an unfavorable consequence. Accordingly, supporters of gun control would advocate that such consequences could be reduced if individuals were not allowed to bring guns into an organizational facility. Conversely, those who oppose gun control would argue that the consequences of not allowing employees, or managers, to protect themselves via the possession of, or access to, a firearm would result in greater unfavorable consequences. These include the injury of the employee in the scenario whereby members of the organization could have better protected themselves from the presence of the husband when he was spotted on company grounds. Additionally, if the employee's husband had suspected that his wife, other employees, or managers within the company had been armed, then the husband may have reconsidered his actions with the understanding that others may have access to firearms. In addition, consequences to other employees and the public should also have been considered.

#### **Stakeholder Ethics**

In accordance with the Stakeholder perspective, organizations have a responsibility to protect those groups affected by the operations and policies of the organization. As such, organizations need to be in a position that allows them to put a policy in place that would prohibit employees, managers, customers, and members of the community from bringing guns into the workplace, or on company property, such as the company's parking

lot. On a larger scale, supporters of gun control would argue that an individual, such as the husband in the scenario, would have a harder time accessing a gun, thereby reducing the chance of acquiring a gun while operating in such a volatile psychological state. On the other hand, opponents of gun control would advocate that organizations have a social responsibility to the safety of its employees, managers, and other stakeholders and therefore if employees are allowed to possess, or have access to, a firearm, then an employee, such as the victim in this particular scenario, could have better defended herself. Additionally, the attacker may have reconsidered his action given the understanding that his victim or other members of the organization could have access to firearms.

### ***Anti-Gun Framework***

#### **Public Health Ethics**

According to Public Health Ethics Theory, the above scenario is a good example of why organizations need a policy that does not allow employees, customers, or other individuals to bring guns to work, to an organizational facility, or to the parking lot of the organization. When there is no policy forbidding the carrying of guns, it is more likely that an individual might be carrying a gun on the grounds if it is not forbidden. While not every individual will follow the rules, a clear policy increases the likelihood that an individual will not have a gun in a volatile situation. Without this policy, it makes it too easy to have access to guns in an emotional situation, and thus too easy to use the easily accessible weapons. Due to the fact that the organization knew that the employees' husband was depressed and violent, if he was not able to have easy access to the gun and bullets, he might not as easily have been able to perform the violent act.

The relationship between the presence of guns at work and the increased likelihood of homicide at work has already been previously established. Furthermore, other research indicates that 74 percent of battered women are battered by their abusive partners at work (Matejkovic 2004). Thus, it is understandable that Public Health would be improved if knowing that the likelihood that an employee will be in possible danger, it is in the organization's best interest to reduce the likelihood of possible violent reactions.

Loomis (2008) suggests a no-weapons policy that bars guns from the workplace may be effective in preventing the first type of situation from becoming lethal. A Public Health perspective would also facilitate public and/or private health resources a priori or post hoc for counseling for the perpetrator, victims, and/or bystanders.

### **Peace Ethics**

Peace Ethics would have no bearing on this case, as the Peace procedures that the company might employ, would not have affected the violence of the partner of the employee. There is nothing that the company could have done that would have alleviated his mental condition. The husband's onset of violence was sudden, and even if they had counseling for domestic abuse spouses, the chances are that this incident would not have changed unless they had gun detectors on the premises and since the company sold guns and bullets, that would be unlikely. As in the first scenario, promoting open communication of workplace issues, or of private but potentially spillover issues, can promote more harmonious workplaces.

## **PORTRAYALS OF WORKPLACE VIOLENCE POLICIES**

Portrayed in Table 1 are recent examples of employee safety and handgun policies. The names of the companies are disguised, but the actual policy wording is contained in this table. These are examples of what companies are doing to manage guns in the workplace.

The advice of corporate security professionals is to be proactive. Some suggestions are that rather than there be circumstances in the workplace where employee Second Amendment rights to bear arms confront provisions in employee handbooks, it would be preferable to be proactive in preventing such incidents by following the advice of corporate security professionals. This involves some or more of the following: enhancing physical security through environmental controls; developing workplace violence prevention policies; implementing threat assessment and management procedures; and training employees in violence prevention. Other actions include employing a security staff; screening

**TABLE 1** Samples Of Employee Safety And Firearms Policies\***Financial Services Company**

[http://teamworks.wellsfargo.com/handbook/HB\\_Online.pdf](http://teamworks.wellsfargo.com/handbook/HB_Online.pdf) <[https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=http%3a%2f%2fteamworks.wellsfargo.com%2fhandbook%2fHB\\_Online.pdf](https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=http%3a%2f%2fteamworks.wellsfargo.com%2fhandbook%2fHB_Online.pdf)>  
 Possessing firearms and weapons on company premises or at company-sponsored events is dangerous to team members and is strictly prohibited. No team member may bring a weapon to the workplace unless specifically authorized by the director of Security or the chief auditor—for example, someone in a specific security or guard position. For purposes of this policy, a “weapon” means any item designed primarily for the purpose of inflicting bodily injury, which may include items that are legal to own. You are not permitted to have these items at work or while you’re conducting business on behalf of the company.

**Petroleum Company**

[https://oxylink.oxy.com/Taleo\\_Onboarding\\_Documents/Corporate%20Staff%20Employee%20Handbook.pdf](https://oxylink.oxy.com/Taleo_Onboarding_Documents/Corporate%20Staff%20Employee%20Handbook.pdf)  
 <[https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=https%3a%2f%2foxylink.oxy.com%2fTaleo\\_Onboarding\\_Documents%2fCorporate%2520Staff%2520Employee%2520Handbook.pdf](https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=https%3a%2f%2foxylink.oxy.com%2fTaleo_Onboarding_Documents%2fCorporate%2520Staff%2520Employee%2520Handbook.pdf)>  
 Occasionally, it becomes necessary to use disciplinary measures when personal conduct is contrary to accepted practices. In an effort to provide you with some guidance, the following are simply examples of the most common types of conduct that are not acceptable and which may prompt the Company to exercise its right to terminate the employment relationship with or without cause and with or without notice, or to issue lesser discipline:

Possession or use of firearms, explosives or other dangerous weapons or material on Company property, including parking lots except where allowable by law.

**Fast-food Restaurant**

[http://imgpg.jobing.com/company/images/860/t/ddo-Employee\\_Handbook\\_English.pdf](http://imgpg.jobing.com/company/images/860/t/ddo-Employee_Handbook_English.pdf)  
 <[https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=http%3a%2f%2fimgpg.jobing.com%2fcompany%2fimages%2f860%2ft%2fddo-Employee\\_Handbook\\_English.pdf](https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkekwwHkByJ9WBx-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvtZMFzICBPtUxHsE.&URL=http%3a%2f%2fimgpg.jobing.com%2fcompany%2fimages%2f860%2ft%2fddo-Employee_Handbook_English.pdf)>

UNACCEPTABLE BEHAVIOR/MISCONDUCT

Bringing firearms or weapons onto Company premises.

**TABLE 1** Continued

**Retailer**

[http://webingsrv.burlingtoncoatfactory.com/static/pdfs/corporate/Code\\_of\\_Conduct.pdf](http://webingsrv.burlingtoncoatfactory.com/static/pdfs/corporate/Code_of_Conduct.pdf)  
 <<https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkevWHkByu9WbX-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvZMFzICBPitUxHsE>>  
 &URL=[http%3a%2f%2fwebingsrv.burlingtoncoatfactory.com%2fstatic%2fpdfs%2fcorporate%2fCode\\_of\\_Conduct.pdf](http%3a%2f%2fwebingsrv.burlingtoncoatfactory.com%2fstatic%2fpdfs%2fcorporate%2fCode_of_Conduct.pdf)>  
 To preserve Employee safety and security, weapons, firearms, ammunition, explosives, and incendiary devices are forbidden on Company property.

**Staffing and Recruitment Agency**

Employee Handbook  
[http://www.adeccousa.com/employees/documents/adecco\\_handbook\\_for\\_web.pdf](http://www.adeccousa.com/employees/documents/adecco_handbook_for_web.pdf)  
 <<https://outlook.depaul.edu/owa/redir.aspx?C=x5SaPa3XAkevWHkByu9WbX-9BxJL88lx8F0xIC4eC2y59z7dfqQFG5mwQvZMFzICBPitUxHsE>>  
 &URL=[http%3a%2f%2fwww.adeccousa.com%2femployees%2fdocuments%2fadecco\\_handbook\\_for\\_web.pdf](http%3a%2f%2fwww.adeccousa.com%2femployees%2fdocuments%2fadecco_handbook_for_web.pdf)>  
 The possession, transfer, sale or use of firearms, weapons, explosives or other improper materials with or without valid permit is prohibited on company or client premises. It is a violation of this policy to possess a weapon, to threaten another individual with bodily harm, or to assault another individual at any time while on Company property or during working hours or while engaged in business regardless of location. Employees in violation of this policy will be subject to disciplinary action up to and including termination. The Company strongly urges that any acts of violence in the workplace and any weapons observed thereon be reported to the company management and/or Human Resources. Exceptions may be extended to security personnel, in Company or Client parking lots and parking facilities.

\*Retrieved on July 3, 2012.

customers, clients, and visitors; screening potential employees; referring employees to employee assistance programs; enforcing zero-tolerance standards toward threats and violent behavior from employees; and prohibiting weapons on company property (Loomis 2008).

### **RECOMMENDATIONS FOR HOW A COMPANY SHOULD PROCEED**

Rather than deal with legal challenges to employees' rights to own and carry guns into the workplace, companies should act proactively by incorporating the following measures. These specific recommendations build upon the work of Kirk and Franklin (2003) that focused upon workplace violence.

#### ***Management of Workplace Safety through State of the Art Security Measures***

The company can secure more parts of the workplace, using guards and electronic monitoring. The company can also regulate and minimize access to the premises. This can be done by activities such as requiring swiping of ID cards for all access and by accompanying all visitors on the premises. The company should maintain a heightened alert in the event of layoffs, terminations, or negative performance evaluations.

#### ***Management through Human Resource Policies and Employee Communications***

Hiring should include screening for personality types prone to violence. Valid personality assessment and more in-depth background checks can facilitate this. When appropriate, employees should be referred to an Employee Assistance Plan—perhaps even if the precipitating situation is not at the workplace. This referral should occur in such instances of perceived substance abuse, domestic violence, or perhaps even altercations among employees on or off premises. Employee relations professionals should assure that the company policies are communicated fully. More-

over, the policy should state that there would be zero tolerance toward threats and violent behavior.

### ***Management by Monitoring Rapidly Changing State and Municipal Laws***

Corporate legal counsel should be consulted frequently on this issue, in view of the fact that laws in various states and municipalities vary. These laws could be expected to be reviewed with increasing frequency, in view of recent societal events involving guns.

## **CONCLUSION**

Business leaders face critical decisions in responding to gun legislation while protecting their employees and customers. The focus of this article is on the two recent court rulings at the federal level and on state laws, which have an impact on employers and employees. “Stand Your Ground” and “Castle Doctrine” laws have highlighted additional legal and ethical concerns. The decision facing organizational leaders is not solely a decision of legal compliance, but also an ethical decision. Whereas prior work has explored the debate from a rights perspective, our article provides a diverse ethical map, or framework, upon which to place the firearms debate. This is a unique contribution to the literature. Furthermore, this analysis seeks to mirror the complexity confronting managers who often have to make decisions using multiple frameworks given the political and organizational dynamics of the firm. Based upon our review of the literature, this is the only analysis exploring the question of allowing guns at work from an ethical point of view. We reach the conclusion here that guns should not be allowed in the workplace and that human resources has an affirmative duty to make sure that this is the case. Our position on the ethicality of guns in the workplace is clearly grounded in the two anti-gun ethical frameworks: Public Health and Peace ethics as well as our interpretation of the moderate gun ethical frameworks: Consequentialism and Stakeholder Theory. With regard to the two pro-gun frameworks, Libertarianism and Fundamental Rights, we acknowledge these two perspectives but also recognize that these two ethical frameworks are limited.



Future research should examine the ethical aspects as well as legal aspects of policies of employers. Additionally, it would also be desirable to first describe and then categorize the specific ways that employers are addressing this issue. In-depth case analysis of litigated cases at various court levels could also allow a greater understanding of this issue. Since there is so much variation in state laws, monitoring what the various task forces and legislative bodies do would also be useful to our understanding.

In conclusion, the next time you enter a workplace in a country that allows individuals to carry guns under a specific set of requirements and in a state, parish, or province that allows individuals access to guns at work, including in company parking lots, stop and ask: Does this employer have a (well-defined) policy about guns at work that goes beyond legal compliance, and perhaps frames the issue from an ethical point of view?

It is unclear how many companies have a firearm policy based on an ethical perspective (in addition to a legal one), but it is clear that given recent court decisions (both federal and state levels) policies regarding guns in the workplace should be at the forefront of company policymaking dialog. We believe that when all factors are balanced, aspects of all frameworks are included. The perspectives of the frameworks are taken into account when companies adhere to applicable laws, when consequences are weighted relative to their impact on stakeholders, and when public health, peace, and safety are included into company policies.

## NOTES

1. “Stand Your Ground” laws generally state that, under certain circumstances, individuals can use force to defend themselves without first attempting to retreat from the danger (<http://criminal.findlaw.com/criminal-law-basics/stand-your-ground-laws.html>).

2. The Castle Doctrine allows people to defend their homes against intruder through lethal force (<http://criminal.findlaw.com/criminal-law-basics/self-defense-overview.html>).

3. The dissenting judges argued that the right to own guns was not “fundamental” and therefore states and localities should be free to regulate or even ban them.

4. Constitute a danger to himself or to others or to be persistently or acutely disabled or gravely disabled; convicted of a felony, or who has been adjudicated delinquent for a felony, and whose state civil right to possess or carry a gun or firearm has not been restored; serving a term of imprisonment in any correctional or detention facility; serving a term of probation pursuant to a conviction for a domestic violence offense or a felony offense; undocumented alien or a nonimmigrant alien; and juveniles.

5. Schools; in a government building or in a courthouse; secured areas of airports; hydroelectric or nuclear power plants; inside a jail or on the grounds; polling places on Election Day; establishments that are licensed to sell alcohol for consumption on the premises; mental health facility; and place of worship.

6. "The Gun Control Act of 1968", Public Law 90-618. See also Hardy (1986). The Firearms Owners' Protection Act: A historical perspective. *Cumberland Law Review*, 17, 585-682.

7. Brady Campaign to End Gun Violence. (2012). State gun laws. Retrieved from <http://www.bradiycampaign.org/stategunlaws>. See also National Rifle Association (2012). State laws. Retrieved from <http://www.nraila.org/gun-laws/state-laws.apsx>.

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