Guns and Rebars:
Dealing with Firearms at Work

It came as a surprise to most of the 33 contractors surveyed, when they were asked about company policy concerning the carrying of firearms onto the job site. "Why have firearms?" and "Get real!" was the general drift of their responses. For the three contractors contacted in Michigan, however, the question was highly relevant because their state legislature had just passed a law allowing people to carry concealed weapons by obtaining a simple permit.

As one Michigan man explained, "If you are not from Michigan, you may not know that this law was a real scam by the Republicans. A group called The People Who Care About Kids Committee collected a quarter of a million signatures—a record number—on a petition opposing the bill. But the lawmakers proposing the bill had put a $1 million appropriation into the measure, knowing referendums aren't allowed on laws that include spending—even if, as was the case here, the appropriations measure is not related to the substance of the bill. In other words, they got around the democratic process and the folks here are real mad about it."

However, the measure was passed, and without being partisan on this issue of the right to bear arms, etc., let's take a look at how much of an issue the carrying and even use of firearms on the job site really is. At the moment, not much, according to the cross-section canvassed. Nobody reported anyone actually using a firearm.

Two reported threats to use firearms that they had in their trucks on site, and...
a Colorado contractor reported someone brandishing a firearm with intent. “I once had to stand between two guys, one was an owner who was not paying money as promised to a contractor. So the contractor went and got his gun. I talked to him and said, ‘Don’t do it, because you’ll just spend the rest of your life in jail.’ And I told the owner, ‘You better pay him, otherwise you’re just going to end up dead.’ So the guy paid.”

Of the 13 contractors interviewed in states that permit the carrying of concealed or open weapons, only three permitted employees to do so. Two reported weapons being carried onto sites/left in vehicles even though company policy did not permit it.

According to Peter Spanos, general counsel for the Association of the Wall and Ceiling Industries—International, “Other states (like Texas, Arizona and Nevada) have laws similar to Michigan’s. In Arizona, a “concealed carry” permit may be obtained by (1) being over 18 years of age; (2) having no felony convictions; and (3) completing an eight-hour gun-safety course. Conspicuous weapons (such as a belt holster, gun rack, etc.) may be carried with no permit.

“Texas has a similar statute but within the statute is a caveat allowing businesses to forbid the carrying of concealed weapons onto their premises, regardless of the existence of a permit.

“Under Nevada law, a gun permit holder is authorized to carry the weapon anywhere except a few specific public buildings (like courts, airports and schools). However, private buildings can put up a sign forbidding anyone from carrying a concealed weapon on the property.”

Most states do not permit the carrying of weapons, and obviously, contractors and/or general contractors in those states (as well as 10 out of the 13 interviewed in states that do permit the carrying of weapons) expressly forbid weapons on the job site.

**Why Carry?**

The way most contractors felt about the subject was, “What purpose would be served by having firearms on the site?”
A Nebraskan explained that “Everybody has to carry one, that’s the rule, it’s the only way to survive out here!” He was joking, of course, because his company does not allow firearms to be carried.

But one of the Michigan contractors, who is adamantly against firearms on site, answered the question inadvertently when he mentioned “in Michigan, there have been quite a few instances of people in factories and elsewhere shooting each other.”

No doubt, if someone is carrying when someone who has gone over the edge walks into a building and starts firing off at random, then the tables can be turned and lives saved. It hasn’t happened yet, but it did off the Alcan not too long ago, when a rogue bear attacked tourists. One tourist happened to have a weapon and killed the bear while it was feasting on its fourth victim (who subsequently lived). And the more people who are crazed by psychiatric and street drugs (all the school shooters over the last few years were on Schedule II psychiatric drugs), the more likelihood there is of these kinds of events occurring.

But in the real world, right now, on construction sites, it hasn’t happened, and the need for firearms on site is hotly contested by almost all of those interviewed.

“I can’t imagine a situation where you’d want to have guns on people unless they were working in inner city Chicago or something,” states an Iowan. “I’m actually much more concerned about drugs and the theft that often results to support the habit, than I am about guns. Drugs are prevalent in our society, and we’ve instituted a drug policy now in our company and are negotiating with our unions to have the ability to administer random, post accident and reasonable-suspicion drug testing.”

**Busting Chops vs. Eating Bullets**

One group of contractors felt there were enough weapons on site already. Says a contractor in Colorado: “You’ve already got weapons that you’re carrying in your tool belt; what the hell do you need a firearm for? A hammer is a hell of a weapon. A piece of rebar makes a hell of a spear.”

Another Colorado contractor agrees: “Generally people have tools all around
them and use them as weapons when they get mad, because they do often fight. One guy grabs a two-by-four and starts swinging, and the other guy defends himself with a level. The intention isn’t to kill, but to harm and it usually ends up all right. So there’s no need to escalate confrontations to a lethal level.”

There’s enough to get uptight about on a work site, according to several other contractors, without adding firearms into the mix. “Most tradesmen are an interesting bunch but they aren’t wrapped too tight, so permitting firearms on the job site is just asking for trouble,” says a Maryland contractor.

“We have enough of an issue with potential conflicts on projects between individuals, trades or union versus non-union,” says a contractor from Idaho. “More often than not, it’s schedule pressures with two companies wanting to be in the same area at the same time, and each trying to assert their will over the other. Usually, it’s just threats that pass around, sometimes it’s fists, a two-by-four or a knife. Generally, somebody in a supervisory capacity steps in to cool their heads before they break, so no real violence or harm occurs. Having people armed would not bring about any good. It’s not a deterrent to violent behavior but would escalate the scene.”

A contractor from Illinois expands on the same theme: “I’ve seen tempers lost on construction sites that two hours or two days later, the person thinks better of it—such as when two trades clash over schedules. It seems that every job we get has to be done a day sooner than the year before, and it just keeps crunching up tighter and tighter. So, in a lot of cases it’s just different trades trying to do their thing in the same space in the building instead of having a little elbow room. Or tempers flare because somebody smacks a hole through some drywall you’ve just finished. People are very territorial about their work and the more finished it is, the more territorial they become because they know it’s going to be on their punch list, not the other guys.

“And then some folks just don’t play well
with other guys and invariably get into little rhubarbs over the silliest little things. You're also working in less-than-ideal conditions, it's too hot, cold or dusty, so it doesn’t take much to set off folks when somebody says or does something that they take offense to, and it doesn’t take a whole lot to get a little shouting match going on at the jobsite. Usually somebody else has a cooler head and walks over and says, 'Hey guys, cool it, maybe you’re both right but you’re both wrong right now, so shut up and go back to your own corners. And when you can make like nice guys, come out and shake hands and go back to work.'

“I have been involved myself a couple of times in screaming and hollering—it’s the only way you can get some people to pay attention. And I have had to step in between two guys who were getting ready to square off, they were both cocked and ready to go. But I’ve been in the trade 28 years and never seen anybody actually get into a fistfight. With all the tools they’re carrying, I can’t imagine anyone needs a gun to shoot anybody with. Violence isn’t going to solve anything anyway, and I certainly can’t see where they would need to protect themselves with a weapon on the job site. Some folks in the construction world don’t have the most savory of backgrounds to start off with, and to allow them to carry weapons on the job is asking for trouble. And for sure, I have never seen anything that was worth shooting anybody over! You get a little smarter as you get older and you tend to calm down a little, too. But the young men tend to be a little more hot-headed. So to put a pistol in their hands would be foolish and unnecessary.”

So the question is this: Does one allow firearms to be carried for self-defense against a potential threat that has yet to manifest itself and thereby open up the many arguments that flare up on job sites, to potentially escalate to a lethal level? Most sensible people can work out the numbers and draw their own conclusions.

**But We’re Hunting**

Two contractors brought up the question of hunting (and therefore the right to bear arms, etc.). “Firearms on site are strictly forbidden. I would never allow them,” states a contractor from Louisiana. “Take a hunter here in the rural South. If he brings his gun to work, he keeps it in his pickup truck and that’s where it stays. I really don’t see the use of a firearm at work unless he’s going hunting in the afternoon, which they often do. But as far as taking it to the jobsite primary, into the work area, no way!”

A Nebraskan says he “used to carry a shotgun in the company vehicle 22 ago, as I often drove along back roads and shot pheasant on the way to work.”

However, as the Louisiana contractor went on to mention, “A couple of years back a fight escalated. Some, who were not hunters, had firearms in their trucks and threatened to bring them out. Luckily they didn’t, but they were fired from the company anyway.” And as the Iowan also added, “Those were different times.”

They certainly were. The right to bear arms by sane people is one thing, but we are facing today an epidemic of people carrying and using guns insanely because they are crazed by
drugs. That wasn’t a scenario even imagined by the Founding Fathers.

**The Pen Is Mightier than the Gun**

But as most contractors are against firearms on site, they should know that even if their state already permits firearms, or if their legislature “does a Michigan,” they simply have to ensure that their employee/policy manual forbids firearms to be taken to work. As Spanos explains, “In these states [that permit carrying weapons], employers nevertheless may include a restriction against workplace weapons in their handbooks or policies and procedures manual. Some employees contend that they have the ‘right’ to carry weapons in the workplace, but the employer’s rules are (in our opinion) no different than forbidding any potentially dangerous or disruptive behavior that is otherwise legal (such as alcohol consumption) in the workplace.

“Here in the South, this is a longstanding problem and we generally advise that the employer can have a policy that prohibits weapons, including firearms for which an individual has a permit, being brought into or onto its property.”

Finally, as one Californian pointed out, “Even if the state of California would allow carrying firearms, it wouldn’t be permitted on our job sites from a safety standpoint.” Spanos confirms that “Finally, OSHA now mandates Workplace Violence Policies, which normally include complete prohibitions against firearms at work.”

And to bring it full circle, that’s exactly how the Michigan contractors are dealing with the whole issue, as one of them explains: “When the new law was brought to our attention, we decided to revise the employee manual and are receiving legal advice right now about adding a paragraph stating that firearms will not be allowed on our premises or job sites.”

It’s simple, safe and effective.

**About the Author**

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