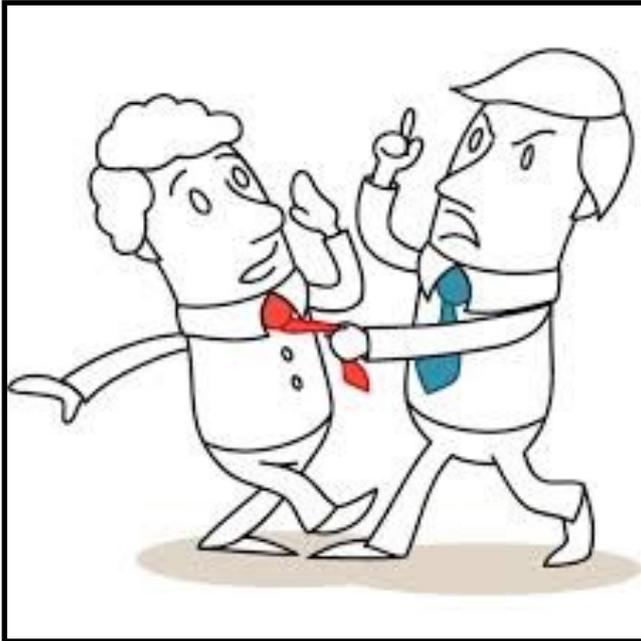


HR STORIES FROM THE FRONT LINES FLYING FISTS & WORKPLACE INJURIES

Tony is the HR Manager at ABC Books, a large bookstore. On Wednesday Tony is alerted by the Stock Manager that one of his stockers was involved in an accident. Safety being a top priority for ABC Books, he is naturally concerned and springs into action.

Imagine Tony's surprise to find his stocker in bad shape and being carted off to the hospital in an ambulance. Tony, shocked and dismayed, asks the Stock Manager what happened?

THE NITTY GRITTY



Here is what Tony learns.

It all started when Justin, the stocker on shift, went for his normal rest break at 9:30 AM. Justin liked to walk down the street from the back dock of the store to get some exercise and fresh air, even though the Stock Manager had advised him on multiple occasions not to leave the bookstore premises.

During his walk he came across a man that frequently loiters in the area. Justin walked by the man and heard him ask for a dollar. Justin did not have his wallet on him at the time and told the man, "sorry." Justin noticed that the man seemed agitated but he dismissed it and kept walking. Suddenly Justin felt someone from behind.

When he turned to see who it was, he was met with a punch in the nose. The two men began to scuffle until the man abruptly ran away towards the bookstore. Justin wasn't happy and chased after the man until they ended up back by the bookstore's dock doors and Justin punched the man in the back. The Stock Manager heard the commotion and was able to break up the scuffle. The man delivered one last punch to Justin's stomach, causing Justin to fall down. The man ran off before anyone could address him.

THE AFTERMATH

As the ambulance drives off Tony is left with a battered employee and major questions on how to report this situation to corporate. What does this mean for the employee? Should Justin be disciplined for ignoring the manager? What about disciplining him for participating in the fight? Are his injuries truly a result of a workplace injury since he was on his paid break?

THE CLEANUP

Tony takes his statements from all employees and the Stock Manager that witnessed the incident. The Stock Manager indicates he had coached Justin before about leaving the premises on his paid breaks. Additionally, the injuries Justin sustained were not technically on company property and may not be considered a work injury by the Workers' Compensation carrier. Lastly, for a zinger, Tony is advised that Justin, the stocker tested positive for drugs!

CONCLUSION

Tony sits at his desk pondering the facts and considering his next steps. It was clear to Tony that Justin had disobeyed his manager's orders not to leave the premises on his break. Additionally, while Justin may have initially been attacked by the man he was also an aggressor to the scuffle. Also not to forget that Justin tested positive for drugs which is a direct violation of the company's Zero Tolerance Drug & Alcohol Policy. Tony is also aware that the Workers' Compensation Carrier may not cover the injury due to the positive drug test. After careful consideration of the incident and the role Justin played and company violations, Tony determines termination will be the final outcome for Justin.