Employers don’t have to put up with employees who pose a safety hazard to others—or to themselves.

While suicidal behavior at work may indicate that an employee is suffering from a serious health condition (covered under the FMLA) or a mental disability (covered under the ADA), it isn’t an excuse for violating established safety rules.

**Recent case:** A parts technician at a rental store became agitated one day when discussing his girlfriend. He told a co-worker he was going to “kill the bitch.” He had to be restrained by the co-worker until he calmed down.

Later that day, the technician wrapped duct tape around his neck. His co-workers pulled it off. Then, after going into a back room, he took a strap, tied it to the ceiling, wrapped it around his neck and hanged himself. He passed out, but was saved by co-workers, who cut him down and revived him. They called 911 and he was hospitalized.

The company put him on paid leave and then terminated him when he said he was ready to come back to work. He sued, alleging retaliation and interference with FMLA leave.

The court tossed out the case. It sided with the company, which said it would have fired the employee whether or not he took medical leave because his violent behavior broke company safety and behavior rules and created potential liability. ([Rainey v. Aaron Rents](https://example.com), No. 8:08-CV-2103, MD FL, 2009)

**Online resource:** About one in six employees have personal problems that reduce their productivity by up to 25%, says the U.S. Department of Labor. Our free white paper, *How to Counsel Employees with Personal Problems*, provides six steps to effective interaction and the 10 signs of a troubled employee. Access the white paper at [www.theHRSpecialist.com/personal](http://www.theHRSpecialist.com/personal).

**Workers' comp may cover injuries from suicide attempt**

Workers’ compensation usually covers job-related injuries. So how could it be that workers’ comp would pay for injuries resulting from an employee’s off-premises suicide attempt? Here’s a real-life example of how:

The worker hurt his back at work. He claimed the resulting chronic pain caused major depression, which drove him to attempt suicide. The Wyoming workers’ comp board tossed out the claim, but the state Supreme Court went for it, saying the work-related injury caused a mental illness that led to the suicide attempt. ([Brierley v. State of Wyoming](https://example.com))

**Advice:** Workers’ comp rules and protections vary from state to state. This ruling may give ideas to other state compensation boards. That means if mental illness results from a compensable, work-related injury, it may also be covered. To defend against such claims, you’ll have to show that nonwork problems contributed to the
mental illness, such as financial woes, a relationship crisis or a history of mental distress.