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FISHER PHILLIPS PARTNER TALKS WITH THOMSON REUTERS ABOUT NEW AUTONOMOUS VEHICLES PRACTICE GROUP

News
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Q&A: Fisher Phillips launches first employment-focused autonomous vehicles group

Daniel Wiessner

(Reuters) - Autonomous vehicles may still be several years away from being approved for widespread use, but employers should begin preparing now for job losses, collective bargaining complications, and other issues that the use of driverless vehicles in the workplace will engender, according to Fisher Phillips partner Michael Greco.

Fisher Phillips is the first labor and employment law firm to launch a practice group focused on autonomous vehicles, or AVs. Greco, the head of the 24-lawyer group, said other law firms have been focused on broader issues such as government regulation while neglecting the employment niche.

Employers in many industries will be faced with issues surrounding worker displacement, safety and remote work, and unionized companies will be required to negotiate over the implementation of AVs, Greco said in an interview with Reuters on Wednesday.

Questions and answers have been edited for clarity and brevity.

REUTERS: What spurred the decision to create a separate practice group on autonomous vehicles?

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GRECO: My interest in the issue is actually personal. About five years ago, I developed a condition that affects my vision and I gave up my driver's license. I kind of involuntarily began living the life that everybody is going to be living over the next couple of decades, using Uber and public transportation to get around. I heard more and more about the technology behind autonomous vehicles, and it excited me and got me to thinking, is there an opportunity for this to be part of what I do at work?

REUTERS: Were your clients asking about this issue, or was it a proactive decision?

GRECO: This was more of a proactive move. Numerous general practice firms already have autonomous vehicle groups, but they focus on the broader issues (such as) the regulatory landscape, industry consolidation, insurance, patents and products liability. But it was clear to me (as an employment lawyer) that AVs are also going to change the way we interact with our workforce. Many issues are going to arise that the general practice firms do not have the depth to handle.

REUTERS: What are the key issues for employers?

GRECO: The most obvious one is the jobs that will be lost in the transition to AVs. As employers make decisions (about which workers can be let go), layoffs will require advanced notice (under the Worker Adjustment and Retraining Notification Act of 1988). And the occupations that will be hardest hit, such as truck drivers and delivery drivers, tend to have a higher percentage of unionization. Unionized companies are going to need to plan ahead and engage in bargaining, much as would be required when closing a plant or a department. Companies should begin negotiating terms in new collective bargaining agreements that will provide them with flexibility when this change comes. Workplace safety is another obvious area. As AVs become more prevalent in industrial settings, they are going to impact employer safety programs. (Grocery chain) Kroger and Toyota are already using automated trucks, and many others will follow suit. That allows them to cut wage costs, but also presents unique safety concerns and the potential for accidents and citations from (the Occupational Safety and Health Administration).

REUTERS: Do you anticipate more novel legal claims tied to AVs?

GRECO: We haven't seen these kinds of claims yet, but we think AVs are going to impact claims for accommodations and raise issues about tracking work hours. These AVs are being described as offices on wheels and will allow people to work remotely, but how do you track their hours? Are you going to sync your (work) laptop to the car, and does that expose your data? These are complicated issues that employers need to start thinking about.

REUTERS: The group also has members who focus on lobbying. What types of employment-related legislation do you expect to see on the state and federal levels?

GRECO: Dozens of states have passed laws focused on the operation of the vehicles and safety issues. But some states have introduced bills, for example, requiring AVs used to transport freight to have someone in the driver's seat. Employers who are looking at using AVs to cut down on labor costs, or because of the difficulty of finding drivers, are going to want to be aware of those issues and how they affect existing laws. For example, (federal) regulations limit the number of hours a trucker can drive consecutively. But what about the operator of an autonomous vehicle?

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