



Texas Employers Held Hostage By New Gun Law

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It has been two months since a new law became effective, prohibiting Texas employers from banning guns and ammunition in their employees' locked personal vehicles on company parking lots. While the law purportedly gives employees the opportunity to defend themselves while traveling to and from work, without fear of termination for violating company policies, it raises several new concerns for employers. Nonetheless, it is not too late for employers to implement steps to ensure that the new law does not undermine workplace safety.

Though the new law dilutes an employer's property rights, it also limits liability arising out of incidents involving a firearm or ammunition under the law, unless the employer is grossly negligent. It does not, however, address civil liability under negligence hiring theories and leaves open the possibility that employers may still be sued for gun-related incidents occurring in the workplace.

The reality is that there will now be weapons on employers' parking lots within short reach of employees, which poses serious safety and security issues. Regardless of industry, workplace violence affects all employers. It is not limited to traditional blue collar industries. In fact, according to recent statistics from the U.S. Bureau of Labor Statistics, there were more instances of workplace violence stemming from guns in the retail industry, 24 percent, than in the manufacturing industry, 17 percent.

Whether workplace violence stems from this law or not, all employers should use this development as a reminder to review their policies concerning workplace violence. By creating and implementing policies geared toward the prevention of violence, employers reduce both the likelihood of injury to its employees and place themselves in a good legal position to defend causes of action alleging negligence.

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