



## Uber Scores One For Safety With Gun-Policy Win

Insights

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Ride-sharing giant, Uber, has recently faced accusations that it fails to do enough to preserve the safety of its passengers and drivers. However, on February 16, 2018, a federal judge in Florida rejected a challenge to an important Uber policy that protects passengers and drivers alike by prohibiting guns in Uber vehicles.

In August 2017, Jose Mejia initiated a class action lawsuit challenging Uber's policy banning the possession of guns while working for the company, contending that the rule violated his rights under the Florida Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008. The law is what it sounds like—it protects Floridians' right to possess legally owned firearms within their vehicles, and prevents businesses from abrogating those rights with regard to their customers, employees, or invitees. Mejia argued that his concealed carry permit allowed him to carry a firearm, and Uber's policy could not override that right.

In September 2017, Uber moved to compel Mejia's claims to arbitration under the agreement he executed when he became a driver. Mejia opposed Uber's motion, arguing that the agreement is both procedurally and substantively unconscionable.

However, before ruling on Uber's motion, the Court abruptly and unexpectedly tossed out the suit because Mejia lacked standing to sue. Specifically, the judge recognized that Mejia wanted to bring his gun in the car while driving for Uber, but found that he had not actually been precluded from doing so. Because Mejia hadn't *tried* to bring his gun in the car while driving for Uber, the court had no information about if or how Uber would enforce the policy. Further, if Uber did enforce the policy against Mejia, the court had no information about if or how Mejia would be injured. Without a "concrete and particularized" legal interest suffering from an "actual and imminent threat," the court tossed the claim as requesting a purely advisory decision.

Mejia may be back, though. The court dismissed Mejia's suit without prejudice, meaning that he can re-file if he can satisfy the standing requirement.

As the nation grapples with unprecedented gun violence, employers' ability to maintain and enforce workplace violence policies is of paramount importance. Many employers have policies imposing severe discipline or termination on employees who engage in violent conduct, make threats of violence, or bring weapons into the workplace. These policies are invaluable in regulating employee conduct with respect to weapons and violence. All the same, employers should take steps to ensure

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that any workplace policy, including those addressing workplace violence, comply with any state or local restrictions.