

ACT NOW TO SHOOT DOWN GEORGIA'S "BRING YOUR GUN TO WORK" LAW

Insights

Feb 28, 2007

Georgia's employers have a duty to protect their employees under federal and state law. This duty includes ensuring that employees and customers are safe from violence. Your ability to meet that duty is under attack.

For the second straight session, the Georgia Legislature is considering bills that would make it lawful for employees to keep guns in their cars parked at work, regardless of their employer's rules to the contrary. The Georgia Senate has recently received a favorable committee report on Senate Bill 43, and House Bill 143 is gaining traction in the House of Representatives.

NRA's Nationwide Campaign

The National Rifle Association admits that bills like SB 43 and HB 143 are part of a nationwide campaign to override employers' policies prohibiting firearms on their property. Similar laws are already on the books in Alaska, Kentucky, Minnesota, Mississippi and Oklahoma, and bills are under consideration in California, Indiana, Montana, Nebraska, Tennessee and Utah.

The bills, which were frighteningly proposed as "Georgia's Self-Defense Act" last year, will make Georgia's businesses unsafe. Workplace violence is a significant threat to employees that shows no signs of abating. Each week the American workplace is the scene of 12 murders and 350 injuries due to assaults.

Of workplace homicides, 77% are the result of gun violence. Murder is the third leading cause of occupational fatalities among all workers, following falls and traffic accidents. Murder is also the leading cause of death among women in the workplace.

The Cost Of Violence

Workplace violence negatively affects employee morale and can cause

psychological trauma to both victims and witnesses. There are also hard dollar costs: production losses, increased absenteeism and turnover, and new and higher costs for security, insurance, litigation, and workers' compensation. It is estimated that the cost of workplace violence to American businesses is \$121 billion a year and rising. The average negligence verdict against an employer in a workplace violence lawsuit is \$3 million.

For years, employers have recognized the dangers that guns pose in their workplaces; our law firm has always recommended that employers implement "no weapons" policies to combat those dangers. These policies have been an effective means of maintaining an additional barrier to disgruntled employees "solving" their problems by resorting to gun violence in the heat of passion.

A Call To Arms

Proponents of SB 43 and HB 143 argue that the law would provide insulation from employer liability for unforeseeable incidents of workplace gun violence. It is hard to imagine a greater foreseeable risk than minimizing the distance between the employer's front door and a disgruntled employee's firearm.

In addition to threatening the safety of your workplace, SB 43 and HB 143 would also diminish Georgia employers' strong employment-at-will rights. Instead of being able to terminate an employment relationship for any non-illegal reason, the new law would allow employees to enter their employer's parking lot with a firearm against the employer's wishes with impunity.

We recommend that you join the Georgia Chamber of Commerce in recognizing just how serious the threat of gun violence is to your businesses and employees, and call your legislators to voice your opposition to SB 43 and HB 143. For more information, contact any attorney in the Atlanta office of Fisher Phillips at 404.231.1400.

This Legal Alert is aimed at providing educational information about a particular bill. It is not intended to be, and should not be construed as, legal advice for any specific fact situation.