

NRA Bullies Legislators to End Employment at Will

Free enterprise is under attack in Florida from an unlikely group. After years of pushing for less government, individual responsibility and free enterprise, the National Rifle Association now seeks to undermine Florida's employment at will doctrine. If HB 1417/SB 2356 passes, Florida will experience an increase in workplace-related litigation, and businesses will be deprived of their right to manage their employees.

In Florida, employees are free to quit their jobs for any reason, and employers have the right to terminate employees at any time for any reason as well. This is known as "employment at will." The employment at will concept protects Florida businesses from frivolous lawsuits alleging they did not have "just cause" to fire an employee. The Legislature can create exceptions to employment at will for protected classes, and has done so with regard to race, sex, and national origin.

This bill creates a new protected class of employees, and shields them from termination or even discipline for a range of conduct. Who would be in this new protected class? Here are just a few examples:

- An employee with an AK-47 chained to his or her motorcycle;
- Daycare employees with sexually explicit pictures on the dash boards of their cars;
- An employee with an Adolf Hitler poster in his rear windshield;
- Employees carrying hazardous chemicals in their vehicles.

The NRA wrote this legislation to be so broad that this new protected class includes nearly anyone on the business's property. And even if the racist, anti-Semitic, or pornographic material offends another employee, this bill prohibits the employer from taking any disciplinary action. Furthermore, an employer would even be banned from searching an employee's car if the employer believes the employee has stolen something from the business.

A business's right to set reasonable working conditions would be stripped away by this legislation. If an employee agreed with a business that certain materials were hazardous or offensive and not appropriate for the workplace, this bill would invalidate that agreement. The business would no longer have control over its workplace or conditions of employment.

This legislation bans zero tolerance policies on violence, causing employers to lose the right to discipline employees for fighting. In the event of a fight between employees, a business would be required to try to determine which employee started the fight, and which employee was engaging in self-defense. The employee that the business believed started the fight could then sue his employer, taking every personnel decision in Florida out of the hands of the business and into courtrooms across the state.

This bill in fact gives every terminated or disciplined employee in Florida a new cause of action for suing his or her employer. Harassment, fighting, and contraband will be protected under law, while businesses will suffer an erosion of their rights and an onslaught of litigation. HB 1417/SB 2356 is an attack on businesses and free enterprise, and an assault on common sense.

The Florida Chamber of Commerce, representing more than 139,000 employers, is the state's largest and most powerful federation of businesses, chambers of commerce and associations. Established in 1916, the Chamber works within the legislative, judicial and executive branches of state government to advance *Florida's Business Agenda*, which contains issues that are critical to the continued improvement of Florida's business climate.

For more information, visit www.floridachamber.com.

