



Employment Law Outlook for 2016

News

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Randall Coffey was quoted in *Human Resource Executive Online* on January 21, 2016. The article "Employment Law Outlook for 2016" discussed how litigation against employers continues to rise, often with significant financial consequences and what can HR do to reduce the risk.

Randall provided his input on the broad interpretation of LGBT rights in the workplace and increase scrutiny of independent contractor classification.

The EEOC has announced its intentions to protect workers from discrimination on the basis of sexual orientation and/or gender identity by defining such discrimination as an allegation of sex discrimination under Title VII. "The EEOC is actively looking for cases to push their arguments about the scope of Title VII," said Randall. "They will be trying to find cases they can use as a vehicle to convince courts to adopt their view."

Pointing to the 2015 Alexander v. FedEx Ground Package System independent contractor misclassification case that resulted in a \$228 million settlement, Maatman predicts a significant increase in "copycat cases" in 2016. "If you are labeling people as independent contractors and not paying them benefits or overtime, but otherwise treating them as employees, you may owe them back pay or benefits," he said.

Employers can avoid becoming the target of a class-action lawsuit or EEOC investigation by keeping tabs on what kinds of claims are being levied, said Randall. Focusing on the "hot spots" helps HR stay ahead of the curve, reducing the risk of costly litigation.

"The smartest thing an HR executive can do is take a look at the EEOC's strategic enforcement plan because it's a roadmap to which specific areas the agency is going to focus its enforcement activities on," said Randall. "If you have concerns about whether you are in compliance with the law, you can scrutinize the list to make sure your policies and practices are up to snuff."

To read the full article, please visit [*Human Resource Executive Online*](#).

This article was picked up by [*Risk & Insurance*](#) on January 25, 2016.

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