



The Year Ahead in Employment Law

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Business owners, brace yourselves. Rather than ushering in a new year of opportunity, 2013 likely will continue the pattern of the last four years: Labor and employment laws have tipped the scales toward greater employer scrutiny and regulations, and that trend shows no sign of abating in the year ahead.

Because many government agencies are emboldened by the 2012 election results, their enforcement efforts likely will increase. The shift leaves businesses vulnerable to fines, lawsuits and more aggressive union activity.

Major employment issues expected in the year ahead include:

Upsurge in Federal Support for Unions

Only 11.8 percent of American workers were union members at the end of 2011, a 70-year low, according to the Bureau of Labor Statistics. Unions don't have a stronghold in the workplace right now, but the National Labor Relations Board has become far friendlier to union organizers in the last few years, and the board's composition portends an upsurge in organization attempts in the private workplace.

Aggressive OSHA Stance

The Occupational Safety and Health Administration not only has staffed up, but also has ramped up enforcement in recent years. Look for those actions to increase in 2013.

EEOC's Enforcement Plan The Equal Employment Opportunity

Commission's new strategic enforcement plan, approved in mid-December 2012, states that the EEOC will focus its 2013 enforcement efforts on hiring, pay and harassment.

Wage and Hour Issues

A third-quarter 2012 survey by Harris Interactive showed that half of U.S. workers believe their employers are violating overtime laws—and many are taking action. Wage and hour lawsuits now are filed at a rate of more than 7,000 per year, and have become employment law's fastest-growing category.

A Happy New Year?

More stringent employment regulations can take the sparkle off the new year when the mirror ball has barely stopped spinning. Employers can help to maintain 2013's sheen, however, by reviewing their employee policies to make sure they'll stand up against a challenge, purchasing employment liability insurance that covers attorney fees in case of a lawsuit and seeking advice from a qualified employment law attorney.

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