

FP'S TOP 10 WORKPLACE PREDICTIONS FOR 2025: A GUIDE FOR EMPLOYERS

Insights
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It's never easy to make accurate predictions about what we'll see in the workplace in the coming year, especially given the recent volatility we've experienced and expect for the foreseeable future. Despite the ever-present uncertainty, we asked our firm's thought leaders to develop their best predictions to help you plan for 2025. You can read our entire [FP Workplace Law 2025 Forecast here](#), or you can dive into this Insight for the top 10 predictions we pulled from our report.



1. Wage and Hour: Return to Employer-Friendly Rules

Now that the Biden administration is coming to an end, we don't think the incoming Trump administration will pick up [the legal battles over the OT rule](#). We predict the threshold will remain \$35k for now – although we do anticipate that

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the DOL will take steps to modestly increase the salary threshold (as it did during the first Trump administration). This means employers have some critical decisions to make on how to move forward with compensation plans. We also expect the DOL to drop a Biden-era independent contractor standard and return to the more lenient rule issued during Trump's first term. [You can read more about those rules here](#). Similarly, we think the DOL will shift back to its pre-Biden, [more employer-friendly joint employer standard](#).

2. Labor Relations: Expect a Level Playing Field

As with wage and hour rules, we expect to see a shift in labor relations policies in 2025. Between the end of *Chevron* and the incoming Trump administration, we will see balance restored when it comes to federal labor law policy. Employers will have not only [a new powerful tool](#) to fight back against regulatory overreach under *Loper Bright* (perhaps paving the way for a lower threshold to challenge the Board's ever-expanding interpretation of "protected concerted activity," as well as decisions impacting both unionized and non-unionized employers) but also [more leeway over the next four years under the Trump administration](#).

3. AI: A Patchwork of New Laws Will Develop

Trump will revoke [Biden's AI Executive Order](#) by February, and his agency heads will follow suit to rescind current guidance. Some will be replaced with broad, industry-friendly guidelines, others will simply be deleted. And we won't see any big AI legislation from Congress. But California or New York is going to pass something big. Expect disclosure and opt-out requirements for workers and applicants. Moreover, we'll soon see a patchwork of state laws with different approaches for addressing AI bias and other AI legal issues. In your workplace, [AI governance](#) will become all-but-mandatory. It will allow companies to adopt AI with guardrails to help mitigate liability and risk issues.

4. Privacy: We'll See a Skimpy Federal Law – and State-Led Litigation

We'll see a renewed push for a federal privacy law. But the aim of this legislation will be largely to supersede the patchwork of state laws on the books and reduce the perceived administrative burden of compliance (particularly for broad laws like California's). It won't touch on



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employment related data, and it won't include a private right of action. We'll then see blue states filing suit to maintain their own comprehensive laws in order to retain as much power as possible. Notably, any federal privacy law will likely not replace laws relating to biometric privacy, facial recognition, geolocation tracking, employee monitoring, and other issues that are often the subject of state or locality-specific laws.

5. Non-Competes: Blue States Will Take Up the Fight

We'll see [new leadership at the FTC](#) and the Department of Justice, so [the efforts to ban non-competes on a federal level](#) will die in the courthouse in the first quarter of 2025. Additionally, the Trump administration will quickly replace the NLRB General Counsel, meaning her aggressive positions against [non-competes](#) and [stay-or-pay provisions](#) will be jettisoned by the end of January. But all that doesn't mean your business is free and clear to do what it wishes. The last few years have seen an expansion of restrictions against non-competition agreements in traditionally progressive states, and we expect the pace to pick up in 2025.

6. Workplace Safety: First-Ever DOGE Leaders Will Make Significant Cuts to OSHA

Trump's [new "Department of Government Efficiency" initiative](#) (which, despite its name, will not be an official government agency) will take off next year, led by Elon Musk and Vivek Ramaswamy. Musk claims that DOGE can reduce the federal budget by "at least \$2 trillion." While most agree this is an untenable goal, you can bet on big slashes to federal agencies, including significant reductions to OSHA's overall headcount and to the number of compliance, safety, and health officers. However, it's important to also note that Trump surprised the business community when [he announced Lori Chavez-DeRemer](#), who has earned the endorsement of several unions, as his nominee to lead the DOL. If approved, she would have an enormous influence on workplace safety. Still, we expect her to largely carry out many of the employer-friendly initiatives you'd expect from a Republican appointment.

7. Immigration: Heightened Enforcement and Policy Changes

President-elect Trump also promised to focus on immigration enforcement, and [his announcement](#) that former ICE Acting Director Tom Homan would serve as the new “border czar” is yet another strong reminder that employers should anticipate major changes. With Homan set to lead an aggressive enforcement strategy, employers should take concrete steps to safeguard their operations and be prepared to handle potential ICE audits and raids. We also expect increased scrutiny regarding work authorizations and visa programs, which will have a significant impact on the workforce, so we recommend that you reach out to your Fisher Phillips attorney to create an action plan.

8. Pay Equity: States Will Step Up Their Game

As you know, pay transparency was a hot topic in 2024 with lots of movement at the state level. We expect the momentum to continue in 2025. We predict that even more states will pass laws requiring employers to disclose salary ranges in job listings, among other related requirements. These laws affect all aspects of workplace relationships – including hiring, recruitment, and retention efforts; supervision and leadership; and compensation and benefits. We also expect more cities and states to mandate pay data reporting in response to the federal government shifting focus away from these initiatives. So, you should be sure to track developments in the locations where you operate.

9. Workplace Investigations: Uptick in AI Use

The trend of using AI and related data analytics to spot suspected transactions and unlawful conduct by employees will likely accelerate. These tools can quickly spot outliers and target investigatory resources to the highest risk areas. In 2025, employers will need to evaluate new tools that can assist in spotting potential issues and support workplace investigations with evidence gathering and targeted investigatory tools.

10. Employee Benefits: Dialing Back the Affordable Care Act

While attempts at a full ACA repeal are possible, it is more likely that the Trump administration will dial back prior regulatory efforts related to nondiscrimination, preventative care mandates, tax subsidies, and association health plans.

Conclusion

If you want more predictions, you can [read our entire FP Workplace Law 2025 Forecast here](#). We will continue to keep tabs on workplace law developments throughout the new year, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney.