

5 Emerging Employment Practices Trends

Trend #1: Retaliation Charges Continue to Rise



Fact:

More than half of EEOC claims filed involve claims of retaliation.¹

Action Plan:

- Establish a policy against retaliation and educate your team
- Implement a confidential process for managing complaints and communicating your antiretaliation policy to complaining employees
- Document everything

Trend #2: #MeToo Movement Results in Spike of Sexual Harassment Claims



Fact:

Sexual harassment claims represented roughly one-third of all EEOC claims filed. This includes LGBT-based sexual harassment charges, which have risen steadily for the past five years.¹

Action Plan:

- Develop clear policies against sexual harassment
- Provide training to prevent sexual harassment
- Create a company culture that does not support sexual harassment

Trend #3: Gig Economy Leads to Increased Wage and Hour Litigation Threat



Fact:

Fair Labor Standards Act (FLSA) lawsuits increased dramatically over the last decade. Many of these lawsuits involve worker classification disputes.²

Action Plan:

- Be ready to prove that your workers are classified correctly
- Keep up with new laws, such as AB5 in California
- Use the FLSA Handy Reference Guide: <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa>

Trend #4: The Gender Pay Gap Remains



Fact:

Full-time salaried women earned 81% of what men earned in 2018, according to U.S. Bureau of Labor Statistics.

Action Plan:

- Create policies that help women succeed, such as flexible hours and parental leave
- Develop mentorship opportunities for women
- Provide equal pay

Trend #5: Marijuana Legalization Impacts the Workplace



Fact:

As of January 2020, at least 11 states allow recreational marijuana usage, and more allow medical marijuana.

Action Plan:

- Keep up with new legislation on marijuana usage in your state
- Review relevant laws before firing or not hiring workers over marijuana usage
- Create drug policies that focus on maintaining a safe workplace

¹ <https://www.eeoc.gov/eeoc/newsroom/release/4-10-19.cfm> ² <https://www.workplaceclassactionreport.com/>

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