

Retail Industry Workplace Law Update – Fall 2022

By Mark S. Askanas & Laura A. Pierson-Scheinberg

October 6, 2022

Meet the Authors



Mark S. Askanas

Principal
(415) 394-9400
Mark.Askanas@jacksonlewis.com



Laura A. Pierson-Scheinberg

(She/Her)
Principal
415-796-5408
Laura.PiersonScheinberg@jacksonlewis.com

Related Services

Advice and Counsel
Class Actions and Complex Litigation
Disability, Leave and Health Management
Labor Relations
Retail
Wage and Hour
Workplace Training

Changing Retail Staffing Models – Unforeseen Risks in a New Economy
Events related to the COVID-19 pandemic may have caused roles within retail operations to shift, and managers may have been required to do more when employees are unexpectedly sick or when staffing levels fell due to the “great resignation.” Therefore, employers need to be careful to potential loss of managers’ exempt status.

[Read full article ...](#)

Warehouses and Distributions Centers Turn to Automation in Response to Ongoing Labor Shortage

Automation offers significant benefits to employers struggling to adequately staff warehouse environments.

[Read full article ...](#)

Class Action Trends Report

Jackson Lewis attorneys discuss recent developments in arbitration and their impact on employment class actions. These include the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, several impactful U.S. Supreme Court decisions, and the emergence of mass arbitration.

[Read full report ...](#)

Shopping for Talent: Unique Benefit Offerings to Incentivize Retail Employees

Retailers fighting for talent are enhancing employee benefits offerings hoping to recruit and retain employees.

[Listen to podcast ...](#)

Browning Ferris Returns: NLRB Again Proposes New Broader Rule for Determining Joint Employer Status

The National Labor Relations Board has proposed a new rule for determining joint employer status under the National Labor Relations Act.

[Read full article ...](#)

Gender Dysphoria is Not Excluded from Coverage under ADA, Fourth Circuit Rules

Gender dysphoria is not excluded from the broad definition of “disability” protected under the Americans with Disabilities Act, a divided panel of the U.S. Court of Appeals for the Fourth Circuit has held.

[Read full article ...](#)

Illinois CROWN Act Expands Human Rights Law to Ban Race-Related Hair Discrimination

Illinois Governor J.B. Pritzker has signed into law the “Create a Respectful and Open Workplace for Natural Hair” Act, or CROWN Act, which prohibits hair discrimination.

[Read full article ...](#)

Massachusetts Enacts CROWN Act, Prohibiting Discrimination Against Protective Hairstyles

Massachusetts Governor Charlie Baker has signed the Creating a Respectful and Open World for Natural Hair Act (CROWN Act) into law, making Massachusetts the 18th state to enact such a law.

[Read full article ...](#)

Discrimination Based on Sexual Orientation Unlawful, Michigan High Court Holds, Overruling Precedent

Michigan’s Elliott-Larsen Civil Rights Act (ELCRA) prohibition of sex-based discrimination also prohibits discrimination based on sexual orientation, the Michigan Supreme Court has held.

[Read full article ...](#)

Please contact a Jackson Lewis attorney if you have any questions about these developments.

©2022 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.