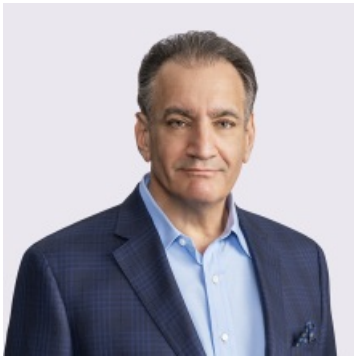


# Retail Industry Workplace Law Update – Winter 2023

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

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**What Retailers Can Do to Protect Employees From Workplace Violence**  
Workplace violence remains an important and challenging issue for retailers facing customer and coworker misbehavior. We discuss establishing a workplace violence prevention plan, identifying and evaluating environmental risk factors, and implementing corrective measures.

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**How Retail Employers Can Comply with OSHA’s Heat Rule During the Cold Months**

Employers are apt to focus on OSHA’s heat-related enforcement rules when temperatures are high, but protecting workers from heat hazards is critical throughout the year when fluctuations in temperature changes are unsafe.

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**Beyond Backpay: Labor Board Adds Extra Compensation to Employees in ‘Make-Whole’ Awards**

In a 3-2 decision, the National Labor Relations Board has expanded its own authority to order consequential damages in all cases in which “make whole” relief is appropriate.

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**Ladder Safety: Dos and Don’ts for the Retail Industry**

Maintaining a competitive edge in the brick-and-mortar retail space can involve taking risks — having employees use ladders in day-to-day operations is one most retailers cannot avoid. However, preventing and reducing ladder-related accidents and injuries is essential to keeping your workers and customers safe.

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**U.S. Supreme Court Hears Oral Argument in Case Testing Limits of State Anti-Discrimination Law**

The U.S. Supreme Court weighed the rights of LGBTQ+ people to be free from discrimination in the marketplace against a Colorado business owner’s right to free speech.

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**Labor Board Returns to ‘Overwhelming Community of Interest’ Standard for Bargaining Units**

The National Labor Relations Board has returned to the “overwhelming community-of-interest” standard for determining an appropriate bargaining

unit in union representation cases. The new standard generally allows unions to “cherry pick” job classifications to organize.

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### Connecticut ‘Clean Slate’ Law, Erasure of Criminal Convictions, Takes Effect January 1, 2023

On January 1, 2023, a major law about the erasure and consideration of criminal convictions in employment in Connecticut will take effect.

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### Michigan Minimum Wage and Paid Leave Update: Agency Guidance and the *Mothering Justice* Appeal

The Michigan Department of Labor and Economic Opportunity has provided guidance on the upcoming changes to the state’s minimum wage rates in light of the Michigan Court of Claims decision in *Mothering Justice v. Nessel*.

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

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