

EMPLOYMENT & LABOR

OVERVIEW

Our Employment & Labor Team offers high-calibre advice on a full range of issues, from day-to-day employment matters to high-stakes litigation and transactional support. Our team is well connected across the world. Globally, we have over 50 employment and labor lawyers in 12 offices across the U.S., UK, France, and Germany, as well as a strong presence and extensive experience advising in Asia. We have a strong track record of advising major corporations across various industries and jurisdictions.

Some areas of particular focus include:

- Affirmative action and diversity
- Business protection and employee competition
- [Cross-border employment issues](#)
- Day-to-day employment advice
- Employment litigation and arbitration
- Employee privacy and data protection
- Health, safety and drug testing
- Labor law and other collective rights
- M&A diligence and transactional support
- Management and employee training
- Wage & hour and other employment class actions
- Wage & hour audits
- Whistleblowers
- Workplace investigations

REGULATORY, COMPLIANCE AND ADVISORY

We have extensive experience advising on the full spectrum of day-to-day workplace matters such as disciplinary and conduct issues, medical absences and accommodations, performance management, employee grievances, business restructures and the implementation of redundancy programs. We are committed to understanding how our clients' HR teams operate. We know how important it is for organizations to stay on top of the ever-changing face of employment law and have developed, and regularly provide, a variety of client training programs on topics such as union avoidance and workplace harassment.

We also have extensive experience assisting with employment matters in a regulated context in jurisdictions where a sector focus is valuable. For example, in the UK we have a strong focus in the financial services sector advising on FCA and PRA employment-related issues.

More generally, we work closely with our wider Regulatory team to ensure our advice appropriately reflects the interplay between an organization's employment law and regulatory duties.

INVESTIGATIONS

Our team has a strong track record of advising clients through complex investigations. Our work covers investigating employee conduct; grievances; whistleblowing; advising upon regulatory notification duties arising out of such investigations; and supporting management involved in regulatory investigations. We approach investigations with the appropriate sensitivity, independence and subject matter knowledge from both a regulatory and employment perspective. We collaborate extensively on client matters with our wider Investigations team, and clients can be confident that we will constantly react to both the employment and regulatory risks arising from the fact pattern revealed by the investigation.

LITIGATION AND DISPUTE RESOLUTION

A significant portion of our work involves strategic advice on complex, high-profile and high-value issues, often involving senior individuals within an organization. We understand the reputational and financial risks involved in these matters and work hard to deliver strategic solutions. This makes us the 'go-to' team for many large companies that require support on the most difficult and sensitive employment law issues. We have an innovative approach to dispute resolution and are regularly involved in high-profile claims. We regularly represent employers in federal, state and other national courts and tribunals, and before national and international employment authorities. Our group includes many lawyers with significant trial experience.

MEET THE TEAM



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RELATED PRACTICE AREAS

- ESOP Team

AREAS OF FOCUS

- Cross-border Employment Issues

EXPERIENCE

Regulatory, compliance and advisory

- Ongoing advice for a Fortune 500, worldwide, diversified **manufacturer of complex metal components and products** servicing aerospace, defense, oil and gas and general industrial markets on compliance with the California Labor Code, leave and anti-discriminations/harassment laws.
- Acted for the transferee in the outsourcing of a **life and pensions business**. The deal is the largest outsourcing arrangement agreed in the European life and pensions sector, with an expected contract value of £1.5bn+ and involving the transfer of approx. 1000 employees.
- For the last five years, we have represented a **global chain of bakery-cafes**, in connection with a variety of labor and employment matters, including employment counselling in the U.S. and internationally, as well as defending the company against Title III claims under the Americans with Disabilities Act, wage and hours class actions, and employment disputes.
- Over the last 20 years, we have represented and counseled a **worldwide hotel chain** in nearly every area of law, including labor and employment. The matters range from employment contracting and EEOC charges to employment disputes and defending against Title III claims under the Americans with Disabilities Act.
- Developed a training program and self-help wage and hour compliance guide for a **fast food restaurant chain**. These materials include time-keeping forms, guidance on calculating overtime compensation for restaurant industry employees, including salaried, non-exempt personnel and other practical materials that can be used in the restaurant environment to avoid wage and hour liability exposure.

Investigations

- Advised a **global FTSE 100 client** on a high-profile and sensitive SFO investigation into alleged wrongdoing in overseas jurisdictions.
- Conducted a whistleblowing investigation for a **UK bank** into a series of allegations against the Chief Executive.
- Conducted an investigation of workplace harassment allegations by an employee against the VP of HR at a **pharmaceutical company**.

Litigation and dispute resolution

- Advised a **UK-authorized firm** on numerous grievances and subsequent employment tribunal proceedings relating to alleged discrimination spanning an eight-year period. The matter was

complicated by the claimant's serious health issues but a creative settlement was agreed pre-trial.

- Won an arbitration defense verdict for a **global financial services technology company** on claims filed under the Americans with Disabilities Act and the Family and Medical Leave Act. The defense win on plaintiff's claims came after a robust fight to compel arbitration in the Northern District of Illinois, substantial discovery battles and a two-day arbitration hearing. The arbitrator accepted every procedural and merits defense proffered by client and incorporated the bulk of our post-hearing submission into the arbitration award.
- Defended a large **privately held manufacturing and retail company** in an arbitration of an employment case involving claims of disability discrimination under the Americans with Disabilities Act (ADA) and Wisconsin Fair Employment Act (WFEA). The claimant, a disabled man who briefly had a job as a company retail merchandiser in Wisconsin, alleged the company failed to accommodate his disability and that he was terminated because of his disability. We obtained third party records and admissions from the claimant that led to complete victory after a multiday hearing.
- Successfully defended a **national food products manufacturer** in a multi-plaintiff, multi-count federal race discrimination case. Five plaintiffs alleged race and national origin discrimination and retaliation, including claims based on failure to hire, failure to promote, and disparate treatment in regards to work and shift assignments, performance reviews, compensation, and promotional opportunities. We obtained summary judgment on nearly all claims. On appeal, two plaintiffs obtained partial reversal of the summary judgment ruling, and a seven-day trial resulted in a complete defense verdict in favor of our client and we were awarded our costs.
- Successfully represented a **pharmaceutical company** in Russian labour disputes over accrual and payment of regional coefficients and percentage allowance over and above employee salaries in 3 regions (northern hardship bonus payment).
- Successfully defeated class certification in a putative class action against a **retail** client, alleging misclassification of assistant store managers as exempt from overtime law, meal/rest break violations, and wage statement violations.
- Successfully defeated class certification in a putative class action alleging expense reimbursement violations under California law against a **financial institution**.
- Obtained a summary judgment against the EEOC in an age discrimination case brought on behalf of 450 former employees.
- Settled a nationwide class action claiming retiree health care benefits for 50,000 former employees for an **international aircraft manufacturer**.

- Won at trial, and affirmed on appeal, in a WARN Act case as to whether sudden mass layoffs were “reasonably foreseeable.”
- Successfully represented a **bakery restaurant group** as the defendant in a wage and hour class action brought on behalf of tipped employees alleging violations of the Fair Labor Standards Act and New York labor laws.

RELATED INSIGHTS

Insights

May 13, 2024

Private life and disciplinary dismissal

Blog Post

May 09, 2024

Reduce potential exposure for employment-related lawsuits

The purpose of this alert is to apprise our clients of a fast, simple, and inexpensive way to substantially reduce their exposure to certain types of employment-related claims through the inclusion of an express waiver (“Waiver”) in a form employment application or other document signed by applicants or employees.

Insights

Apr 29, 2024

UK HR Two-Minute Monthly: April 2024

Our April update includes a case on AI facial recognition software that allegedly discriminated against black people, a case where an individual carrying out a dismissal did not have enough knowledge of protected disclosures for the employer to be liable for a whistleblowing dismissal, and a case on the issue of acts of discrimination continuing over an extended period. We also feature a news roundup on generative AI in the workplace, awareness (or lack of it) of the new flexible working rules and proposed new legislation limiting the scope of NDAs with regard to criminal matters.

News

Apr 25, 2024

BCLP Ranked in Legally Israel 100

Insights

Apr 24, 2024

FTC bans employee noncompetes

Insights

Mar 27, 2024

UK HR Two-Minute Monthly: March 2024

Our March update includes a case on whether a theatre and agency could dismiss an actor playing a lesbian role because of her devout Christian beliefs, and a case looking at whether an employee who spends virtually all her

working time on a yacht outside the UK has the right to bring employment claims under UK law. We also feature a news round-up looking at the Treasury Committee's report on "Sexism in the City", focusing on employment practices in financial services, the plans for a four day week in summer by the creation of "4ugust", and the government's views and written guidance on "Kinship Care".

News

Mar 07, 2024

BCLP advise on sale of Hyatt Place London City East hotel to Sun Venture

Insights

Feb 28, 2024

UK HR Two Minute Monthly: February 2024

Our February update includes a case on the issue of whether job applicants can bring whistleblowing claims, and a case on who pays what compensation to a successful claimant. We also feature a news round-up looking at what employment law might look like under a Labour government, and new EHRC Guidance relating to menopause in the workplace.

News

Feb 20, 2024

Chambers Global 2024