



## Labor & Employment

Our Labor & Employment Practice is one of the largest and most experienced practices among the country's multi-disciplined law firms. Our attorneys represent global employers of all types and sizes—ranging from the Fortune 100 to privately held startups—often serving as national, regional, or preferred counsel to many of these major employers.

Our attorneys are known for effective and successful representation, covering a broad range of hard-hitting labor and employment law issues, including trade secrets, non competes and restrictive covenant matters; major class and collective actions, with an emphasis on wage and hour and ERISA litigation; and guidance regarding environment, social, and governance (ESG) initiatives. We also have one of the most experienced and long-standing traditional labor teams, which handles the full range of high-profile and complex labor disputes. In addition, we regularly handle single plaintiff employment litigation, unfair competition matters, counseling and compliance, and other day-to-day employment issues.

### Key Contacts

Michael Roche

### Areas of Focus

## Affirmative Action & OFCCP Compliance

Our affirmative action & OFCCP compliance team helps clients pilot myriad obligations faced by today's growing number of federal contractors. From affirmative action plan (AAP) development to compliance counseling, we bring deep experience and practical solutions to support federal contractors as they face increased scrutiny in their efforts to comply with federal and other affirmative action laws.

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## California Employment Counseling & Litigation

California maintains a unique body of employment laws and regulations that are continually evolving, and employers with operations in California are expected to keep up. Our California labor and employment attorneys stay ahead of these changes, offering substantive experience and smart defense to clients navigating the complexities of the state's labor and employment system.

We handle lawsuits in both the California state and federal court systems. From high-stakes class and collective actions, arbitrations, and single plaintiff cases to administrative agency matters, our attorneys have been successful. In the high-volume field of wage and hour class actions, we have defended nearly every type of allegation, as well as claims under California Unfair Competition Law — Section 17200. We have even defended cases with putative classes of more than 200,000 employees, prevailing at all phases of litigation, including at conditional certification, decertification, summary judgment, trial, and on appeal.

With our extensive employment litigation experience in California serving as a foundation, we also provide counseling, training, and compliance advice to our clients' in-house counsel, human resource professionals, managers, and supervisors.

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## Discrimination, Harassment, Retaliation & Wrongful Termination Litigation

With employment litigation serving as a cornerstone of our Labor & Employment Practice, we have succeeded at every phase of litigation, including motions to dismiss, summary judgment, jury and bench trials, and appeals. Our team of nationally recognized employment litigators strategically counsels clients on the impact of employment litigation over the entire business. Moreover, our clients benefit from our experience serving as national and regional employment counsel and litigating in state and federal courts throughout the country, including the U.S. Supreme Court.

We have defended hundreds of employers in litigation filed by single plaintiffs, as well as in major class and collective actions. This experience includes defending allegations of age, sex, race, religion, and other types of discrimination; wrongful termination cases, including those involving whistleblower claims; and matters involving harassment claims, ERISA violations, FMLA, FLSA, WARN, violation of the ADA, and MPPAA litigation, among other areas. We also assist clients in conducting effective internal investigations and audits so that disruptions to the day-to-day course of business are minimized and litigation is prevented.

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## Employment Law Advice, Counseling, Training & Due Diligence

To help employers minimize the threat of potentially cumbersome employment litigation, our attorneys assist with the gamut of our clients' day-to-day labor and employment challenges. For example, our team is relied upon to review proposed personnel actions—including discipline, promotions, terminations, and layoffs—for potential discrimination claims. We also provide due diligence on employment issues that are critical to the successful completion of a merger, acquisition, divestiture, asset sale, or other corporate transaction; provide assistance in employee benefit matters; review employee handbooks; counsel clients on employment policies and procedures; provide advice on executive employment agreements and separations; and assist with audits and compliance activities, such as the design, maintenance, and implementation of affirmative action plans.

We add value to our client relationships by providing on-site training and advice regarding the preventative actions that our clients can take to minimize their risk of litigation. We have developed a library of more than 50 customizable training programs addressing topics such as lawful discipline and termination, harassment avoidance, wage and hour concerns, social media in the workplace, privacy, and other issues.

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## Traditional Labor Law

Our strong traditional labor law team is supported by the resources of a full-service law firm. Our rich history in traditional labor law dates back to the 1940s when then our Labor Department chairman, George Christensen, served as a key author of amendments to the National Labor Management Relations Act—also known as the Taft-Hartly Act. Since then, our experience has grown to span a wide spectrum—from high-profile and complex labor disputes, union avoidance, and corporate campaigns to advising clients on the hot-button issue of retiree benefits. Drawing from the experience of more than 30 labor and employment attorneys, we have partnered with private and public unionized and nonunion clients worldwide to meet their traditional labor law needs.

We advise our nonunion clients on positive employee relations for the maintenance of nonunion status, to avoid employment litigation, and to build a better long-term management-employee relationship. Our practice representing unionized clients is focused on litigation before the National Labor Relations Board (NLRB) and federal courts, including the U.S. Supreme Court, as well as arbitration matters in various public and private forums. Our attorneys also successfully represent clients, including multi-employer bargaining associations, in litigation involving state court injunctions against labor organizations for mass picketing. Notably, we have been adverse to all of the largest unions in the United States, including the Teamsters, United Auto Workers, Services Employees International Union, International Association of Machinists, United Food and Commercial Workers, United Steelworkers of America, and others.

Our industry experience is deep. We have assisted clients in the manufacturing, energy, construction, and health care sectors in traditional labor matters. In particular, union-organizing in the health care industry is on the rise, and we are able to integrate our robust Health Care Practice attorneys into our matters representing hospitals and health systems. This cross-practice team understands the challenges facing clients in this dynamic industry from all angles and can aptly assist with traditional labor matters relating to organizing drives and bargaining unit issues.

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## Wage & Hour Matters

No matter how large or small, employers are subject to the liabilities of maintaining a payroll, and they turn to our team for sound advice and counsel when wage and hour issues arise. Whether it's defending a high-stakes wage and hour class action lawsuit, reviewing and/or revising job descriptions, conducting classification audits, or providing onsite/online preventative programs, the experience of our team is relied upon by major employers worldwide to help them make smart decisions while minimizing risk. Our clients belong to some of the most targeted sectors in this area of law—banking and finance, retail, restaurants, manufacturing, construction and health care.

Even though maintaining compliant wage and hour policies and procedures may be an employer's first defense against disruptive and costly litigation, lawsuits in this area are inevitable. One of the most active areas of our practice is the representation of employers in wage and hour class and collective actions. We have an exceptional track record of success in defending these types of cases, including defeating them at the certification stage and, when necessary, fighting through to a favorable verdict at trial. We have triumphed over all types of allegations, including alleged misclassification claims, meal and rest period claims, chargebacks, seating, off-the-clock work, incentive pay, tip pooling, and payroll practices.

In addition to litigation, our lawyers provide comprehensive counseling to employers regarding wage and hour issues, such as job classification and exempt and independent contractor status, among others. Likewise, we regularly conduct wage and hour audits to ensure our clients' policies and procedures are aligned with federal and state governing laws and regulations. Where we identify areas of potential risk, we help clients efficiently implement change without interruptions to their business. To assist with ongoing preventative measures, we provide on-site or online training for our clients' in-house counsel, human resource professionals, managers, and supervisors.

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“ Strong labor and employment practice that maintains an impressive reputation for its handling of litigation. ”

*Chambers USA*

“ The best class action wage and hour lawyers in California. ”

*Chambers USA*

## Related Capabilities

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ERISA Litigation

Employee Benefits & Executive Compensation

Executive Compensation Plans & Agreements

Qualified Retirement Plans

Trade Secrets, Non Competes & Restrictive Covenants

Environmental, Social & Governance (ESG)

Privacy & Data Security

## Recent Experience

Secured New CBA Deal for NBA Players Following Round-the-Clock Negotiating Sessions with NBA

Chart Industries Acquisition of Howden

Secured Landmark Equal-Pay Settlement for Current and Former USWNT Members

GenNx360's Majority Investment in Whitsons Culinary Group

Lightyear Capital Closes on Sale of Datalot to Centerfield

Secured Settlement in California Wage & Hour Class Action

Early Mediation Leads to Quick Settlement in Wage & Hour Class Action

California Independent Contractor Class Action for Luxury Spirits Brand

Settled Discrimination Case for Luxury Brand

California Wage & Hour Class Action Ends in Settlement

## Related Insights & News

### CLIENT ALERT

#### SCOTUS "Lowers the Bar" for Title VII Job Transfer Claims

APRIL 25, 2024

### BLOG

#### FTC Adopts Final Ban on Worker Non-Competes

APRIL 23, 2024

### WEBINAR

#### Winston Partner Joins Panel Discussing Private Equity Compliance with ERISA

APRIL 23, 2024

### RECOGNITIONS

#### Winston & Strawn Paris Recognized in *The Legal 500 EMEA* 2024

MARCH 27, 2024

### BLOG

#### Recent Developments Highlight the Need for Fiduciary Attention to Health Plan Fees

FEBRUARY 13, 2024

**BLOG**

## Federal Poverty Level Announced for 2024—What Does This Mean for Employer Shared Responsibility Rules?

FEBRUARY 12, 2024

**BLOG**

## Department of Labor Increases Civil Penalties for Non-Compliance

FEBRUARY 8, 2024

**RECOGNITIONS**

## Whitney Williams Selected for U.S. Bank Law Division Spotlight on Talent Program

FEBRUARY 7, 2024

**BLOG**

## Benefits Bulletin – DOL Final Independent Contractor Rules and Benefit Plans

JANUARY 25, 2024

**CLIENT ALERT**

## New Laws Enhance California's Noncompete Prohibitions

JANUARY 22, 2024

**CLIENT ALERT**

## New Ordinance Requires Employers To Provide Up To 10 Days of Paid Time Off To All Chicago Employees

NOVEMBER 28, 2023

**RECOGNITIONS**

## Winston Attorneys Win Five Mondaq Thought Leadership Awards in the Outlet's Autumn 2023 Accolade Series

NOVEMBER 14, 2023