

## 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 Global Workplace Investigations practice is a truly integrated, cross-practice, global team undertaking independent internal investigations, advising employers on the internal investigations they conduct, and representing employers in their dealings with administrative agencies, regulators, criminal authorities, and in litigation. Our team brings their extensive experience litigating various workplace issues to bear on our investigations to uncover and appropriately handle issues that could become flashpoints in litigation.

BCLP's Employment and Labor Team has a proven record of successfully handling and guiding clients through complex investigations related to alleged harassment, discrimination, workplace violence (including workplace shootings), safety issues, immigration enforcement (including ICE raids), whistleblowing allegations, and other compliance and policy violation matters. We also have extensive experience assisting organizations and boards in confidentially investigating and managing serious misconduct allegations against high-ranking executives and leaders. Our experience in this area enables organizations and boards to make informed strategic decisions to address and resolve corporate crises. Additionally, it can greatly reduce the potential for negative impact on an organization's personnel and culture, as well as mitigate risks associated with legal action and negative publicity.

Our employment investigations and compliance work spans all industries, including education, aerospace, energy and natural resources, financial services/institutions, food and agriculture, healthcare, hospitality, manufacturing, retail, entertainment, media, technology, transportation, as well as professional, Olympic and amateur sports. We approach investigations with the appropriate

sensitivity and knowledge of the subject matter from both regulatory and employment perspectives. We collaborate with our wider Investigations team when specific capabilities (e.g., white collar and financial fraud) are needed on a subject, and clients can be confident that we will appropriately react and respond to any risks arising from the fact pattern revealed by the investigation.

We understand that each matter is unique. That's why the BCLP Employment and Labor Team is committed to working closely with clients to design and implement tailored strategies and solutions to the significant issues that they face. This commitment to customization makes our potential clients feel understood and valued, knowing that we are dedicated to addressing their specific needs.

BCLP's Employment and Labor Team also assists clients in developing policies and procedures for conducting their own internal investigations, provides training to human resources professionals tasked with conducting investigations, and helps organizations develop tracking mechanisms for such investigations.

## **LABOR RELATIONS**

Our attorneys, with their extensive experience, serve clients from a diverse array of industries across the United States. If you are an employer bound by collective bargaining agreements, we can assist with union negotiations, grievances, and strategic planning. We also offer guidance on meeting multiemployer plan obligations and renegotiating expiring collective bargaining agreements.

Our Labor Relations Team provides advice in:

- Union avoidance
- Organizing campaigns
- Decertification and withdrawal of recognition before the NLRB and state agencies
- Unfair labor practice proceedings before the NLRB and state agencies
- Advice and counsel with respect to mergers, acquisitions, and reorganizations
- Strike planning and injunctions

We provide legal representation for clients involved in various aspects of labor relations law, including handling grievance arbitration proceedings related to disciplinary actions, terminations, and contract interpretation disputes. We also negotiate contracts for multiemployer associations and individual employers, with contracts spanning across different states and at a national level. Additionally, we offer comprehensive legal representation for employers in administrative hearings, state and federal trials, and appellate arguments before both state and federal appeals courts.

Now more than ever it is important for organizations to stay on top of the ever-changing face of labor and employment law. We have developed, and regularly provide, a comprehensive range of client training programs on topics such as union avoidance, discrimination and harassment, hiring and firing, whistleblowers and retaliation, and the ADA and FMLA.

## **NONCOMPETE, TRADE SECRET AND EMPLOYEE UNFAIR COMPETITION**

Our team understands that noncompete agreements cannot be evaluated using a one-size-fits-all approach. Our lawyers carefully examine the unique circumstances of each case, and their experience enables them to quickly identify the key issues critical to resolving such cases. We ask our clients tough questions about their business goals and how litigation aligns with those goals to obtain the best possible outcome efficiently.

Our Noncompete, Trade Secret and Employee Unfair Competition Team provides a tremendous depth and geographic breadth of experience in disputes involving covenants not to compete, misappropriation of trade secrets, breach of confidentiality agreements, employee raiding, computer misconduct and other employee unfair competition issues. Our trial lawyers are very experienced in providing advice relating to and handling the issues that frequently arise in noncompete, trade secret and similar disputes, including with respect to TROs, preliminary injunctions, expedited discovery, and computer-related discovery. We have extensive research and resource materials on these and related topics, allowing our lawyers to advise clients on the proper drafting and scope of noncompetition covenants, identify and focus quickly on the key issues involved in analyzing noncompete, employee raiding, trade secret and similar disputes, and respond promptly when these disputes arise.

## **INCLUSION & DIVERSITY TASK FORCE**

Corporate, inclusion and diversity (I&D) programs are in the legal and political spotlight as they face an increased risk of challenge on a variety of fronts in the wake of the Supreme Court's decision on college admissions affirmative action. A flurry of challenges, including private lawsuits alleging reverse discrimination and hostile work environments, along with state attorney general investigations and attention from conservative groups and activists, complicate companies' efforts to navigate their employment-related I&D programs and supplier diversity initiatives.

BCLP's dedicated I&D Task Force helps clients effectively navigate the delicate balance between implementing employment and procurement-related I&D initiatives and avoiding/defending against potential claims associated with those initiatives. The I&D Task Force provides an array of services to assist clients in aligning their I&D programs and communications with their culture and values while mitigating legal risk.

## **AREAS OF FOCUS**

- Conducting an audit and providing a risk assessment of current I&D programs and initiatives, both in employment and in supplier and other contracts
- Advising on implementing legally defensible I&D initiatives, such as employee resource groups, bonus plans, leadership trainings, and supplier contract programs
- Reviewing corporate public filings and other corporate communications regarding I&D issues
- Providing customized I&D training
- Advising on Affirmative Action Plans and other Office of Federal Contract Compliance (OFCCP) obligations
- Defending I&D-related litigation or governmental action and advising on crisis management
- Assisting with pay equity and other employment practice audits, including hiring, promotions, and terminations

The I&D Task Force is made up of a multi-disciplinary team of lawyers from BCLP's Employment & Labor, Securities & Corporate Governance, and Litigation and Dispute Resolution Practice Groups, who together are uniquely positioned to ensure clients are up-to-date and able to respond to the latest developments in this area.

## **WAGE AND HOUR CLASS ACTIONS**

Our Employment & Labor Class Actions Team has defended employers against hundreds high-exposure wage and hour claims. We lead the defense of employment class, collective, and other state-specific representative actions across the country. These cases regularly involve multi-phased discovery, hybrid opt-in and opt-out class and collective action procedures, multiple and differing subclasses, extensive and complex briefing, complicated strategic considerations, and contentious evidentiary hearings. Our team is experienced in handling all aspects of the defense of these unique and complex cases.

We also regularly serve as national counsel on the Fair Labor Standards Act (FLSA) and state statutes involving overtime/regular rate of pay compliance, meal/rest break compliance, tipped workers, donning and doffing, rounding, travel time, business expense reimbursement, and reclassification of employees/independent contractors. Additionally, we review and revise written wage and hour policies/handbooks and assist with the implementation of new payroll and timekeeping systems and protocols.

[Learn more about our Employment Class Actions team >](#)

## MEET THE TEAM



### **Mary Margaret (Mimi) Moore**

Partner and Global Practice Group  
Leader - Employment & Labor, Chicago  
/ Dallas

[mimi.moore@bclplaw.com](mailto:mimi.moore@bclplaw.com)

+1 312 602 5090



### **Catherine Turner**

Partner, London

[catherine.turner@bclplaw.com](mailto:catherine.turner@bclplaw.com)

+44 (0) 20 3400 4943



### **Rebecca Harding-Hill**

Partner, London

[rebecca.harding-hill@bclplaw.com](mailto:rebecca.harding-hill@bclplaw.com)

## 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

- Conducted hundreds of internal workplace investigations for various employers throughout the country, many of which related to allegations of sexual harassment.
- Assists clients with “high profile” internal investigations involving harassment and discrimination allegations concerning management and other executive officials.
- Regularly works with clients to conduct internal investigations of employee claims of harassment and discrimination, and employee violations of codes of conduct.
- 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.

## Labor relations

- Handled more than 70 different collective bargaining agreements with Teamsters, UFCW and UAW, and negotiated and secured unique neutrality agreement with company’s largest labor union.
- Handled two dozen labor arbitrations in six months for a large grocery chain seeking to reduce a backlog.
- Orchestrated withdrawal of recognition from unions at a uranium mine and a national trucking company.
- Defended more than two dozen contract interpretation and discharge grievances throughout the United States in various industries.

- Counsel for Chicago trucking company in 10(j) injunction hearing relating to unfair labor practices. At the conclusion of a bench trial, obtained a favorable settlement comprised of a new union election in which company prevailed.
- As former general counsel at the NLRB, Jerry Hunter supervised the Office of General Counsel and the agency's 1,800 employees. Jerry oversaw the operations of 33 regional, two sub-regional and 17 resident offices, prosecuted unfair labor practice cases before the five-member board, and represented the agency before the federal district courts, the U.S. courts of appeals, and the Supreme Court.
- Prosecuted a defendant class action for a Fortune 100 client as trustee of pension funds subject to competing claims of its unionized workers.

## Wage and hour class actions

- Represented **casino and its subsidiaries** in three complex class and collective actions pending in the United States District Court for the Eastern District of Missouri, Southern District of Indiana, and the District of New Jersey. We deposed dozens of current and former hourly employee and briefed very complicated class and collective issues involving various state wage and hour statutes and the federal Fair Labor Standards Act. These were the highest value lawsuits for the casino in 2021 and 2022, with potential damages in total of upwards of \$30 million. For one of the cases we recently settled, we achieved a settlement that is less than ten percent of the pay-outs in publicly available settlements with these same opposing counsel filed against peer casinos. Our results have saved the client tens of millions of dollars in not only attorneys' fees, but settlement dollars as well.
- Obtained a complete defense victory in a case filed against a **market leader in electronic medical records software** alleging that employees were misclassified as exempt from overtime. The defense team argued that multiple exemptions likely applied and defended the company's classification on all available bases (administrative and computer exemptions) and also asserted the seldom used (yet powerful) argument for the "combination exemption" which argues that a fact-finder can combine multiple bases for exemption in reaching a decision on exempt status. Following a three-day arbitration and hundreds of pages of post-hearing briefing, the arbitrator issued an award in favor of the client on all issues concluding that evidence was persuasive and overwhelming, that claimant's self-serving testimony was not credible, and that all bases asserted for exemption were established by the client.
- Successfully represented a **car rental company** in a multidistrict litigation challenging the exempt classification of nearly 15,000 assistant branch managers at the company's locations across the U.S. From start to finish, the case was litigated more than seven years in 16 jurisdictions. After some key victories on class-specific legal issues and an unwavering resolve to defend the case, we were able to leverage a remarkable settlement in favor of our client

- Represented an employer in an investigation by the California Division of Labor Standards Enforcement (DLSE). In 2019, while another law firm was representing the car wash, the DLSE issued a citation against the car wash for \$2.3 million, which is the largest citation in the DLSE's history. The company hired BCLP to represent them in the appeal of the \$2.3 million citation. After a contentious hearing spanning several months, BCLP obtained a settlement that was a fraction of the citation amount.
- Successfully defeated class certification in a putative class action in California state court against a **Fortune 500 aerospace manufacturer**, alleging wage and hour violations relating to meal and rest periods, rounding, and tool expense.

## RELATED INSIGHTS

Insights

Apr 28, 2025

### **Definition of 'woman' in the Equality Act, guidance on conduct dismissals, and a news roundup**

Our employment law update for April covers the Supreme Court decision the correct definition of "sex" and "woman" in the Equality Act and a Court of Appeal decision providing guidelines on gross misconduct dismissals. We also have a general news round-up, including mandatory ethnicity and disability pay gap reporting, increases of compensation limits at the employment tribunal and new ACAS guidelines on statutory neonatal leave and pay

News

Apr 24, 2025

### **BCLP Advises AMMO, Inc. on Sale of Manufacturing Assets to Leading Ammunition Maker Olin Winchester**

Insights

Apr 01, 2025

### **UK Corporate Briefing April 2025**

Welcome to the Corporate Briefing, where we review the latest developments in UK corporate law that you need to know about. In this month's issue we discuss: Engaging M&A advisers: the importance of agreeing terms for early-stage work Businesses and their advisers may wish to examine their approach to handling engagement terms for early-stage work on M&A deals following the recent decision in H&P Advisory Ltd v Barrick Gold (Holdings) Ltd, which is likely to have significant reverberations for M&A deal making. FCA: Unlawful disclosure of inside information and M&A transactions The FCA has published Primary Market Bulletin No. 54 outlining its concerns around the unlawful disclosure of inside information during the course of M&A transactions. FTSE Russell announces changes to methodology From September 2025 the requirement for securities to trade exclusively in GBP will be removed and to ensure...

Insights

Mar 31, 2025

## **Sexual harassment - The preventative duty and risk assessments**

Rather than our usual Two Minute Monthly employment law round-up, we are posting for March 2025 a blog by Partner Katherine Pope on the nature and purpose of risk assessments in complying with the sexual harassment preventative duty.

Blog Post

Mar 26, 2025

### **EEOC Weighs in on DEI Discrimination and Publishes Informal Guidance**

Insights

Mar 18, 2025

### **HK court rules that gig delivery driver was not an employee**

Insights

Mar 13, 2025

### **Missouri Proposition A: The Race to May 1st**

The Missouri Supreme Court is expected to rule on a legal challenge to Proposition A before employees begin accruing paid leave under the law on May 1, 2025. Meanwhile, the Missouri House of Representatives passed legislation modifying Proposition A's provisions, including a repeal of the paid leave provisions.

Insights

Feb 27, 2025

### **Unlawful deductions backstop, religious belief dismissals, plus a news round-up**

Our employment law update for February sees new cases on the two-year backstop on compensation in unlawful deductions cases and a Court of Appeal decision on religious belief discrimination relating to social media posts. We also have a general news round-up including new ONS data on hybrid working, a new expert panel to report on neurodivergency inclusion in the workplace, and the introduction of the LGB Alliance Business Forum.

Blog Post

Feb 25, 2025

### **Nationwide Preliminary Injunction Partially Blocks Federal DEI Executive Orders**

During his first two days in office, President Donald Trump signed a series of executive orders aimed at diversity, equity, and inclusion ("DEI"). Our team recently summarized these executive orders, including Executive Order 14151, which seeks to eliminate DEI programs and spending in the federal government, and Executive Order 14173, which rescinds most federal contractor affirmative action obligations and seeks to discourage DEI programs in the private sector. Late Friday, a federal court granted a nationwide preliminary injunction temporarily blocking several significant aspects of these executive orders.