

FROM REMOTE WORK TO ROBOTS: A COUNTDOWN OF THE TOP 10 EMPLOYMENT LAW TRENDS

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#10 – LABOR UNIONS & COLLECTIVE BARGAINING RESILIENCE

Unions aren't dead – they're evolving:

- **Growth in Pro-Union States:** Sectors like healthcare, logistics, and even tech are seeing an uptick in organizing efforts.
- **Decline in Right-To-Work States:** Membership continues to decline, but creative models like sectoral bargaining are being tested (e.g., fast food in California).
- **NLRB Activity:** New rules restrict “captive audience” meetings and limit employer influence in elections.
- **AI & Automation Bargaining:** Unions are negotiating over job protections tied to AI-driven layoffs and restraining programs.

#9 – WORKPLACE SAFETY & MENTAL HEALTH OBLIGATIONS

“Safety” now includes psychological well-being:

- **OSHA Emphasis:** Anticipated focus on workplace violence prevention and psychosocial hazards, not just physical risks.
- **Mental Health Litigation:** ADA claims for anxiety, depression, and stress are increasing, particularly in remote/hybrid environments.
- **State Leadership:** California and Washington already mandate workplace violence prevention programs in healthcare and other high-risk industries.
- **Wellness Initiatives:** Employers are adopting EAPs, wellness stipends, and “mental health days,” but voluntary programs may not be enough.

#8 – INDUSTRY-SPECIFIC LABOR PROTECTIONS

Unique laws are targeting particular industries:

- **Freelance Laws:** Cities like NYC and states such as CA mandate written contracts and timely payment; penalties for retaliation are steep.
- **Healthcare:** Nurse staffing ratios and violence prevention programs are expanding.
- **Hospitality & Service:** “Fair Workweek” laws require predictable scheduling, advance notice, and predictability pay.
- **Gig Economy:** Cities like Seattle and states like Minnesota are experimenting with “dependent contractor” models, blending employee rights with gig flexibility.

#7 – IMMIGRATION & WORKFORCE COMPLIANCE

Immigration law continues to be a compliance minefield:

- **Form I-9 Audits:** Employers face higher fines for technical errors; ICE inspections are expected to increase.
- **E-Verify Expansion:** States like Florida require it, with others considering similar mandates.
- **Labor Shortages:** Reliance on immigrant workers in agriculture, hospitality, and healthcare heightens exposure.
- **Over-Enforcement Risk:** DOJ is cracking down on discrimination against noncitizens during verification processes.

#6 – RETURN-TO OFFICE (RTO) POLICIES

The office comeback is colliding with the law:

- **ADA Accommodations:** Remote work requests are increasingly recognized as reasonable accommodations.
- **Disparate Impact:** Blanket RTO rules may disproportionately affect caregivers, women, or employees with disabilities.
- **Hybrid Flexibility:** Courts are questioning whether in office presence is truly “essential.”
- **Employee Relations:** Strict policies risk attrition, reputational damage, or union activity.

#5 – WAGE EQUITY, TRANSPARENCY & NON-COMPETES

Pay and mobility rights are under the microscope:

- **Pay Transparency:** States like CO, CA and NY require salary ranges in postings; enforcement agencies are cracking down on vague ranges.
- **Pay Equity Claims:** Expanding beyond gender to race and ethnicity, with larger damages at stake.
- **Non-Compete Bans:** States like CA, MN, and OK prohibit them; the FTC proposed a nationwide ban, which was struck down.
- **Alternative Tools:** Employers rely on confidentiality, nonsolicitation, and retention bonuses.

#4 – STATE-LEVEL PAID LEAVE EXPANSION

Paid leave laws are gaining ground:

- **New Programs:** CO, OR, MD, and MN join the list of states with paid family and medical leave.
- **Generous Benefits:** Wage replacement up to 80-90% in some programs.
- **Employer Duties:** Payroll contributions, posting requirements, and leave coordination with FMLA.
- **Patchwork Compliance:** Multistate employers must navigate inconsistent rules.

#3 – EEOC & WORKPLACE DISCRIMINATION TRENDS

The EEOC is a moving target in 2025:

- **Gender Identity Uncertainty:** Texas court struck down EEOC guidance, leaving employers guessing.
- **Shift to Individual Cases:** Fewer systemic discrimination lawsuits; more focus on individual complaints.
- **Policy Flashpoints:** Pronoun usage, restroom access, and dress codes are recurring areas of conflict.
- **Jurisdictional Conflicts:** Employers face inconsistent state vs. federal interpretations.

#2 – SHRINKING SCOPE OF DEI IN FEDERAL POLICY

The DEI landscape is shifting:

- **EO 14173:** Ends affirmative action mandates for federal contractors.
- **Contractor Compliance Risk:** Continuing proactive DEI programs could jeopardize contracts.
- **State Divergence:** States like CA, NY, and NJ continue to promote DEI aggressively.
- **Employer Balancing Act:** One policy may satisfy one regulator and irritate another.

#1 – AI REGULATION & OVERSIGHT

AI leads the list – for good reason:

- **Bias Audits:** NYC and others require audits of AI-driven hiring tools.
- **Union Negotiations:** Employees are demanding oversight and retraining protections.
- **Litigation Risk:** Title VII suits for algorithmic bias are already appearing.
- **Employer Strategies:** Validate tools, document audits, and ensure human review of key employment decisions.

Q & A