



News & Types: Client Advisories

New Changes to U.S. Employment Laws Expected by the Biden Administration

4/6/2021

Practices: Employment, Labor & Benefits

EXECUTIVE SUMMARY

The new Biden Administration will have a profound impact on employees' rights and companies' responsibilities and obligations. The risk for companies will increase with changing, new and different federal laws and regulations issued by administrative agencies and these laws and agencies will affect the entire work/life history of workers, from defining their status, to hiring, managing and terminating workers.

Companies should expect the following changes to U.S. employment laws under the Biden Administration:

- Companies may be required to define workers as employees rather than independent contractors. As a result, workers will be entitled to many legal protections, including Social Security, Medicare, unemployment and workers' compensation benefits. Such reclassified workers will also be protected from discrimination based upon their characteristics, such as race, age and national origin and retaliation for complaining about safety and other actions the employees believe violate federal and state laws.
- Companies should also expect many changes to the content of their company policies. For example, new laws may allow employees to use cameras in the workplace, to talk with newspaper reporters about their companies, and to make certain statements on social media platforms, such as Twitter, Facebook and TikTok.
- Employees may be given the right to use the company-owned e-mail system to act together to ask for increased wages, to complain about supervisors, and to organize into a union.
- Companies may also need to implement new safety standards to protect their workers in the workplace.
- Companies may also be required to raise their minimum wages and pay overtime to millions of employees who have worked more than 40 hours a week.

Therefore, managers will need to know and keep track of new laws enacted by Congress and regulations issued by the administrative agencies under the Biden Administration. Creating and maintaining human resource functions will become ever more critical for companies doing business in the United States.

For additional information, please contact Alan Kaplan or any other member of Masuda Funai's Employment, Labor & Benefits Practice Group.

