

Three Things: Employment and Labor Law

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1. MEDICAL AND RECREATIONAL MARIJUANA IN THE WORKPLACE. Employers in the Northeast are faced with mounting questions arising from the legalization of medical and recreational marijuana. One challenge is handling compliance with drug-free workplace requirements associated with federal funding or contracts without discriminating against employees. Another involves the potential protection of employees who use legalized recreational marijuana to self-treat a disability. I caution employers everywhere to proceed carefully in this constantly developing area to avoid becoming the target of plaintiffs' attorneys looking to bring the latest case in this well-publicized arena.

2. MASSACHUSETTS EQUAL PAY ACT. While the Massachusetts Equal Pay Act has been in effect for some time, many employers did not do an initial audit but are now finally taking steps to comply with the law, often as the result of employee questions or complaints about pay disparities in the workforce. Remember that the key is not just examining your Company's pay practices, but also carefully documenting the process in case of claims down the line.

3. REVERSE DISCRIMINATION ALLEGATIONS. Allegations of so-called "reverse discrimination" were once a rarity. However, I've recently experienced an uptick in my practice in matters involving employees who feel discriminated against for being white and male. Factors contributing to this include poorly written diversity initiatives and perceived favoritism for hiring or promoting women and minorities. When making employment decisions, try to articulate clear business reasons for your actions – even if the employee affected would not be traditionally considered a legal risk for claims. When implementing diversity initiatives, refrain from copying policies from other companies you see online, as those companies may be subject to different laws or may be based upon data that is not applicable to your company.

For more information on these or any related topics, feel free to contact [Alicia Samolis](#) or Geri Rosman.

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