

# Labor & Employment Workforce Watch

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A guide to the employment law developments most likely to impact your business.

In This Issue:

### **ChatGPT and AI in the Workplace: Should Employers Be Concerned?**

In November 2022, OpenAI—an artificial intelligence (“AI”) research laboratory funded by Microsoft—released its AI “chatbot” for public use: ChatGPT. Over the past several months, the popularity of ChatGPT has grown exponentially. Chatbots have become the topic of conversation everywhere, from the watercooler, to social media, to “60 Minutes” television episodes. As employees explore the seemingly endless positive *and* negative applications of ChatGPT, employers should consider the capabilities and risks of AI tools in the workplace. [read more](#)

### **CROWNING Moment: Implications for Employers as CROWN Act Expands**

Texas has now joined 20 other states and various local jurisdictions that ban discrimination based on hairstyle through the Creating a Respectful and Open Workplace for Natural Hair Act (the “CROWN Act”), which will go into effect September 1, 2023. The CROWN Act prohibits discrimination based on traits historically associated with race, including hair textures and styles. [read more](#)

### **Congress Enacts New Protections for Nursing Employees**

On December 29, 2022, President Biden signed the Providing Urgent Maternal Protections for Nursing Mothers Act (“PUMP Act”), which was included within the Omnibus Appropriations Bill for fiscal year 2023. Enforcement began on April 28, 2023. [read more](#)

### **Illinois Enacts Statewide Paid Leave Law Mandating Paid Leave for Any Reason**

On March 13, 2023, Governor J.B. Pritzker signed the [Paid Leave for All Workers Act](#) (the “Act”) into law. Although the Illinois paid leave requirements do not take effect until January 1, 2024, and additional guidance from the Illinois Department of Labor regarding the provisions of the Act should be published before then, the following is a summary of the Act’s key provisions. [read more](#)

### **IRS Proposes Regulations on Using Forfeitures in 401(K) Plans (and Other Qualified & Retirement Plans)**

The Department of the Treasury and Internal Revenue Service recently issued [proposed regulations](#) (the “Proposed Regulations”) relating to forfeitures in 401(k) plans and other tax-qualified retirement plans. Forfeitures generally arise when a participant terminates employment before completing the required service for full vesting of employer contributions under the terms of the plan. The Proposed Regulations provide much needed guidance on the permissible uses of forfeitures, as well as the timing on when a plan must expend the forfeitures. If finalized, these rules will apply to plan years beginning on or after January 1, 2024. [read more](#)

## **BIPA's Back in the News: Illinois Supreme Court Gives Unionized Employers Respite from Costly Privacy Law Claims**

In light of the Illinois Supreme Court's string of recent, individual-friendly decisions related to Illinois's Biometric Information Privacy Act ("BIPA") (see our Firm's commentary on those decisions [here](#) and [here](#)), it was wholly reasonable for employers subject to BIPA to be anxious about the Court's next BIPA decision. Add labor unions to the mix, and employers were well within their rights to be wary. But the Illinois Supreme Court's recent [Walton v. Roosevelt University](#) decision may actually benefit employers that are subject to BIPA and have a unionized workforce. [read more](#)

## **ESG – Workplace Developments in the UK**

ESG or Environmental, Social, and Governance aspects of the workplace have become an increasingly hot topic over the last few years in many UK workplaces. Driven by a combination of a tight labour market, heightened environmental concern around climate change, expectations of Gen Z employees, client demand, and in some cases, investors examining ESG credentials as part of any investment decisions, there are few UK workplaces that have not taken at least some steps to implement ESG measures. [read more](#)

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