

Labor & Employment Workforce Watch

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

In This Issue:

The Wait Is Over and It's Good News: OSHA Releases General Industry Guidance for COVID-19

The day after President Joe Biden was inaugurated in January 2021, he issued an [Executive Order on Protecting Worker Health and Safety](#), which directed the Occupational Safety and Health Administration to consider whether it was necessary to issue an emergency temporary standard regarding workplace safety during the COVID-19 pandemic. [read more](#)

Biden Administration Executive Order Seeks to “Curtail the Unfair Use of Non-Compete Clauses”

As we [previously alerted you](#), on July 9, 2021, President Biden issued an “[Executive Order on Promoting Competition in the American Economy](#).” Among other things, the Executive Order addressed the President’s desire for the Federal Trade Commission to “curtail the unfair use of non-compete clauses and other clauses or agreements that may unfairly limit worker mobility.” [read more](#)

Texas Legislative Update – Expanded Liability for Workplace Sexual Harassment

In recent years, and in the wake of the #MeToo movement, several states have moved toward providing enhanced protections to employees subjected to sexual harassment in the workplace, including requiring mandatory sexual harassment training, softening of the test for harassment under federal standards, and banning nondisclosure agreements that could silence sexual harassment victims. [read more](#)

Supreme Court Limits Claims Under Computer Fraud and Abuse Act

The Computer Fraud and Abuse Act (CFAA) creates liability for anyone who “intentionally accesses a computer without authorization or exceeds authorized access.” [read more](#)

“Know What’s Below, Call Before You Dig:” New State-Law Non-Compete Traps May Lie Beneath The Surface

Just as homeowners are encouraged to reach out before digging in their yard to make sure there are no buried dangers, employers are also encouraged to do their due diligence before burrowing into the ground searching for a new restrictive covenant agreement. [read more](#)

Paid Family and Medical Leave and Protection From Retaliation

When new laws afford employees additional benefits in the workplace, such as the recent expansion of paid medical and/or family leave in many cities and states, employers must ensure that these new benefits are not only provided, but that those requesting or using such benefits are protected from retaliation from engaging in what is likely to be treated as a protected activity. [read more](#)

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