

Retail and Consumer Goods

Retail employers face complex challenges with respect to hiring and retaining talent in an environment marked by high turnover.

Overview

Jackson Lewis offers an interdisciplinary approach to meet all the workplace law needs of its retail industry clients. In addition to representing retail employers ranging from local and regional companies to multinational retailers with operations throughout the U.S., we provide legal counsel to industry-related organizations. This experience—in conjunction with the insight provided by Jackson Lewis attorneys who formerly served as in-house counsel at major U.S. retail companies—has allowed us to develop a deep understanding of the industry.

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[Retail](#)

We are experienced in assisting retailers ensure compliance with wage and hour laws, monitor safety issues, and manage family and medical leave. We are also well aware of the risks our retail clients face in the context of union organizing and are sensitive to the challenge of melding management styles and cultures from various stores and distribution centers throughout the country. Some of the specific services we provide include:

- Defending systemic discrimination class actions and advising on class action litigation prevention through preventive audits to ensure consistent implementation of company pay and promotion policies;
- Defending class and collective actions alleging misclassification of workers' exempt status, overtime pay violations, off-the-clock work, inaccurate time and payroll records, time clock rounding practices, and other wage and hour issues;
- Reviewing wage and hour policies and practices for compliance with state and federal laws;
- Reviewing employment handbook policies and designing training for management personnel;
- Providing collective bargaining representation and advice;
- Implementing integrated disability management systems and advising on corporate wellness programs;
- Advising on compliance with privacy and data security mandates across the country, including HIPAA privacy and security regulations, as well as best practices when implementing a written information security program;
- Advising on workplace safety issues inherent in employee operation of dangerous machinery at distribution centers and the presence of non-employee customers at store locations during working hours;
- Advising on executive and individual employment agreements, employee raiding claims, unfair competition claims and other employment-related business torts; and
- Advising on legislative and regulatory developments as they relate to retail companies.

Online Commerce

While technology provides infinite opportunities for marketing, selling and delivering virtually any product, some of the tools now available to e-retailers also create novel workplace challenges and privacy risks. As society embraces IoT, companies that rely on online commerce will have even greater access to consumer data from various connected devices. At the same time, state and federal laws regulating and limiting the use of customer data continue to proliferate, and the complexities of storing and protecting that data will only intensify as it becomes more readily available. Consumer demands, on the hand, such as for same-day delivery and instant purchasing options, will require constant innovation and creativity.

We understand the challenges facing e-commerce and online enterprises and work closely with our clients to help them achieve their business goals while complying with all compliance mandates. Some of the services we provide include:

- Advising on the entire range of Title III ADA digital accessibility issues;
- Reviewing and developing enterprise-wide strategies for safeguarding data and maintaining compliance, including data breach response;
- Advising on the entire range of workplace and customer privacy issues, including proper handling of customer complaints;
- Counseling on predictive analytics and other data-driven solutions that comply with applicable workplace laws;
- Advising on and litigating disputes regarding executive and individual employment agreements, employee raiding claims, unfair competition claims, and other employment-related business torts; and
- Counseling employers on expeditious international transfers and travel strategies for specialized employees.

Upcoming Retail and Consumer Goods Events

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