

# The Year Ahead 2025: Audio Guide

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## AI's New Laws + Traditional Issues

“It’s like an AI chicken or the egg conundrum. Who should own the liability there? Should it be the developers of these technologies or should it be the users? If you’re trying to make that determination, where does that line fall? This uncertainty has worked its way into different legislation across the country. It really reflects how these lawmakers are grappling with some of these issues that, frankly, don’t have an easy answer.”

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## Amendments Alleviate Not Eliminate Employer PAGA Burdens

“PAGA is a statute that’s not employer-friendly, but one of the benefits of this last year is that we had some amendments come through that did, for lack of a better phrase, throw employers a little bit of a bone when it came to dealing with PAGA cases. One benefit is an expanded ability to cure labor code violations. The other involves arbitration and our ability to fight these claims and not just have to wait to trial to do it.”

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## Back to the Future for Core Wage and Hour Concerns

“A corollary to the populist instincts of president-to-be Trump [i.e., his possible support for some increase to the federal minimum wage] is this issue about removing taxes on tips. This is something that could certainly happen in 2025 — and it would be the most important effect on the wage and hour practice in the entire time I have been practicing in this area.”

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## Countering the Trend Against True Non-Competes

“All of this is to say that for 2025, and perhaps beyond, the writing appears to be on the wall as to true non-competes. They, whoever they are, are coming for employers who are aggressive in their choice of which employees are bound by true non-competes, the extent of the restrictions and the enforcement actions taken.”

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## DEI and the Surge in States' Workplace Legislation

“It's harder and harder to be a day-to-day HR professional or managing legal in an organization due to the myriad of differences between state and local laws. That requires an analysis of whether we want to go to lowest common denominators, which involves consideration of stakeholders and costs, or whether we have the ability to operate different policies and systems in different states, which then interacts with IT and systems. It requires an overall analysis of where the organization wants to be. And now we have another issue that we always need to think about, which is humanity. Individuals have more expectations for treatment in the workplace.”

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## Immigration and Humanitarian Concerns

“A lot of employers have very innocent mistakes on their I-9s or employees have expired work authorization and they don't even realize it. These are things immigration counsel can help with and protect employers from liability before the enforcement starts.”

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## Immigration Enforcement

“To be clear, raids are officially known as worksite enforcement actions. These are very large-scale operations. There are subpoenas involved, a lot of enforcement personnel, a lot of planning — and the government typically tips off the media. In terms of long-term effectiveness, they’re not very effective but it does grab the headlines, which is what we think that the Trump administration wants. And it’s in part, why it was done last time.”

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## The Known Unknowns of Workplace Safety Under a New Administration

“The watchword is uncertainty. I don’t think there’s any question that the Trump administration is going to usher in a more pro-business, anti-regulatory administration and emphasis. But I do think that there’s a lot that remains to be seen about how that will actually go into effect. [Post *Loper Bright*] we don’t exactly know how courts will interpret a number of statutes.”

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## New California Laws for Fair Employment, Workplace Violence Prevention + More

“Throughout the year, we certainly find some of the policies that we think ‘we should maybe change that moving forward.’ The beginning of the new year is a great opportunity to take a look at these things with new eyes and work with our management teams to really be business partners and not just advise but strategize with them as we move forward.”

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## Political Pendulum Swings and the “Labor Renaissance”

“Most of our clients and most employers out there understand that there's going to be a pendulum swing. The key thing for us right now is to make decisions that consider where the law is and where it might go, understanding that we have four-year terms in the presidential administrations and things always change.”

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## Practical and Political Tipping Points for Workplace Accommodations

“The only thing for sure that we can say about 2025 is that the changes are just going to keep coming. So, make sure that you've really got your eye on the ball, that you're plugged into your different resources so that you can stay ahead of the curve, be compliant and be the employer of choice.”

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## Tech Tools + Privacy Considerations

“It's this constant sense of governance — risk and compliance processes that should take place whenever you're dealing with these technologies. If there was one goal I would recommend for next year, that would be more collaboration between the stakeholders [IT, legal, HR, the business area deploying the tech] when rolling out these kinds of tools.”

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## Workplace Law After ‘Loper’: What’s Next?

“Of course, there’s still going to be so many appeals still to be had. We’re literally at the tip of the iceberg. So much more to uncover in terms of where any of these cases are taking us in the future — and where the future of administrative agencies is under the new administration. I just think there’s so much more to uncover here as we go forward.”

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