

Labor and Employment Capabilities



1,700
attorneys



21
offices



50+
practices

Beijing / Boston / Brussels
Chicago / Frankfurt
Hong Kong / Houston
London / Los Angeles
Munich / New York
Palo Alto / Paris
São Paulo / Seoul
Shanghai / Singapore
Tokyo / Toronto
Washington, D.C.
Wilmington



About Skadden

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50+ practices

We are known for our utmost dedication to client service, commitment to excellence, creativity and resourcefulness in providing innovative advice and novel legal solutions.

Skadden advises clients on their most important matters, including mergers and acquisitions, tax, capital markets, intellectual property and technology, litigation, real estate, banking and arbitration.

Through our integrated practices and collaborative approach, we provide significant value and cost-efficiencies by bringing together the exceptional breadth of experience needed to satisfy our clients' business objectives.

The firm represents many of the largest U.S. and international companies, including over 50% of the *Fortune* 250.

Skadden has been named the top corporate law firm in the U.S. in *Corporate Board Member's* annual survey of America's Best Corporate Law Firms more times than any other law firm.

Skadden was recognized among the top firms for "client service excellence" according to the BTI Consulting Group's 2023 BTI Client Service A-Team Survey of Law Firm Client Service Performance.

The firm earned 104 practice rankings and 228 attorney rankings in the 2023 edition of *Chambers USA*.

In the *U.S. News* — Best Lawyers Best Law Firms 2023 survey, Skadden was recognized as a leading firm in 148 separate practices and regions, receiving 124 Tier 1 rankings.

Overview

Labor and Employment Related Capabilities

Skadden's Labor and Employment Law Group has been recognized in the top tier for employment law in New York by *Best Lawyers Best Law Firms* and has been named a "powerhouse" in complex employment litigation in the BTI Litigation Outlook. We represent clients across the spectrum of labor and employment litigation matters in trial and appellate courts at the federal and state level and in arbitrations and other dispute resolution proceedings, including in cases involving allegations of wrongful termination, employment discrimination and noncompetition violations. Our lawyers have a depth of experience in corporate counseling, investigations and other employment law issues that affect our clients and their employee-related policies and procedures.

With the benefit of a stand-alone Labor and Employment Law Group, the firm advises employers on compliance issues under various labor and employment laws, helping clients conform their workplace practices and procedures to current law. Our attorneys also provide assistance on issues relating to our firm's general corporate representations.

Our attorneys frequently speak on developing issues in labor and employment law. We also publish numerous articles and author a column that appears regularly in the *New York Law Journal* on labor and employment law topics.

Litigation

We litigate in federal and state courts on the full range of labor and employment law matters, including complex class actions. Our attorneys also appear in employment arbitration proceedings, as well as in administrative proceedings before agencies such as the Equal Employment Opportunity Commission and the state civil rights enforcement agencies.

The firm has represented employers in claims involving pattern and practice discrimination, civil rights violations, wage and hour collective actions, enforcement of restrictive covenants, accommodations under disabilities laws and wrongful discharge. We have experience with jury and non-jury trials and in jurisdictions nationwide.

Investigations

Our labor and employment lawyers conduct investigations involving assertions of workplace misconduct, including allegations of sexual harassment, other types of discrimination and financial misconduct. We handle internal investigations directed by company management, boards of directors and board committees regarding these issues and also advise boards and management on investigations and civil, administrative and criminal proceedings brought by regulatory bodies. We have experience in advising clients on #MeToo-related matters, including in providing guidance on policies and procedures for clients to avoid misconduct from taking place, and in properly addressing and remediating any misconduct that may have occurred. Our attorneys have written extensively on the topic, including in two overviews of the #MeToo litigation landscape published in the *New York Law Journal*.

Crisis Management

Our extensive, coordinated experience in the areas of corporate counseling, internal investigations, regulatory proceedings, labor and employee litigation, securities litigation and congressional and other legislative proceedings is often called upon in dealing with — and in many cases is central to managing — a corporate crisis, such as high-profile workplace harassment claims.

Labor and Employment Related Capabilities (cont.)

We have a long history of successfully representing clients in crisis situations, repeatedly demonstrating our ability to respond quickly and effectively with the right combination of practice capabilities. Together with our clients, we develop and execute targeted strategies for responding to governmental authorities, shareholders, business partners, employees, the investment community and the media.

Workplace Employee Policies and Procedures

We advise clients on the myriad of laws applicable to the workplace, such as the Americans with Disabilities Act, the Family and Medical Leave Act, the Worker Adjustment and Retraining Notification Act and anti-discrimination laws.

Our work includes:

- Drafting employment policies, including those relating to sexual harassment, and providing guidance on their application to specific employee circumstances.
- Assisting clients in identifying and avoiding employment-related problems before they occur, including through the use of internal employment audits.
- Advising on affirmative action programs and procedures to enhance equal employment opportunities.
- Drafting artificial intelligence workplace policies.

RIFs, Layoffs and Furloughs, and COVID-19 Considerations

Skadden has experience in advising clients in the complex issues that go into planning and executing reductions in force (RIFs), layoffs and furloughs. In addition, Skadden advises companies on implementing COVID-19-related protocols and policies.

Employment, Consultant and Severance Agreements

Skadden drafts employment, consulting and severance agreements. In addition, we are experienced in enforcing noncompetition agreements and restrictive covenants, including drafting demand letters to former employees and their future employers. We also represent clients seeking to recover sensitive documents and prevent raiding of staff and customers.

Pay Equity and Pay Equity Audits

With respect to pay equity analyses, our group has been involved in evaluating compensation and hiring systems to support and improve affirmative action programs, drafting pay equity guidelines for use in various types of employment-related decisions, analyzing pay practices and compliance with equal pay laws and analyzing class-wide compensation data in connection with regulatory subpoenas and discovery demands by plaintiffs' counsel. Accordingly, we are abreast of and well informed on the various federal and state equal pay laws, and we have diverse experience in data collection and data analytics in employment-related matters. Further, we have conducted, and advised clients in connection with, equal pay audits, and we have strong relationships with several economic consulting firms who have worked with us in these efforts.

Labor Relations

Skadden advises clients in dealing with unions from the initial contacts during an organizing campaign to the litigation of unfair labor practices, the negotiation of collective bargaining agreements and the processing of grievances and arbitrations.

Corporate and Restructuring Transactions

Skadden assists in structuring the employment aspects of transactions such as procedures for hiring and terminating employees, the negotiation of new collective bargaining agreements and the assumption of existing agreements. We also handle the labor aspects of bankruptcy proceedings, including renegotiation of collective bargaining agreements, and advise regarding wage payment claims.

Immigration Law

Skadden advises clients on immigration matters and has filed visa applications on behalf of major U.S. and non-U.S. companies.

Artificial Intelligence

In addition to drafting AI workplace policies, Skadden provides advice and counseling regarding the use of AI tools and compliance with applicable laws covering recruitment/screening, pay transparency, background checks and collective bargaining.



Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates