



Going Stateside - The breakfast briefing - 5 surprise take-aways

By **Darren Isaacs** - 28 March 2018

A couple of weeks ago we held a breakfast briefing on all things to do with HR in the USA (as an irrelevant aside: who else thinks “HR in the USA” sounds like a catchy song title?). We were joined by our colleagues [Adam Forman](#) and [Michael Manke](#) from the Littler Boston office, who were here enjoying our fine Spring weather.

So what did we learn? For those of you still thinking that the US does not really “do” employment law, there was a lot to take in.

Here are our 5 surprise take-aways:

1. Not every State in the USA is “at will”. One State stands out as being not “at will” at all. Can you guess which one? We won’t say, so time to hit google ...
2. For a country that we often think of as relatively ‘light’ on the HR regulation front, there are an awful lot of laws. Not just at the Federal level, but the States and cities also get to have their say on legislating in the workplace. It gets very confusing for those of us who come from simpler legal systems!
3. Some States have some *unusual* anti-discrimination grounds. Like Kentucky, where it is a protected ground to be a smoker. Or Michigan, which protects height and weight.
4. Staff handbooks don’t work the way they work in the UK, and can be downright dangerous if not worded very carefully on a policy-by-policy basis.
5. Class actions can blow relatively small disputes into bankrupting problems (we already knew about class actions from our solid training in US TV law dramas, but for once the fiction is close to the reality).

All this in the space of an hour and a bit...

This was our first breakfast briefing on non-UK employment law. We are hoping to run future sessions (live or by webinar) on other countries. If you would like to know more about a particular country, please let your usual contact know and we can throw it into the

mix.

Finally, do get in touch if you plan to move into the US market and would like us to put you in touch with our Stateside colleagues, who would rather help you avoid any pitfalls than try to dig you out of one!