

3 Workplace Compliance Trends to Watch In 2024

HR Executive | Dawn Kawamoto | December 22, 2023

With the New Year comes new laws—and the need for employers to evaluate current policies with a sharp eye for compliance updates.

There are a number of new local and state-level measures that could have reverberations for employers across the nation, says Paola Cecchi-Dimeglio, chair of the executive leadership research initiative for women and minority attorneys at Harvard Law School. In a recent Workplace Compliance Trends 2024 webinar, Cecchi-Dimeglio outlined three pieces of legislation that HR leaders will want to watch in 2024.

New York City bans height and weight discrimination

New York City employers are now prohibited from discriminating against job applicants and employees based on their height or weight, according to an amendment to the New York City Human Rights Law that went into effect in November. However, the new law includes an exception for circumstances in which a person's height or weight would prevent them from doing the core aspects of the job.

Cecchi-Dimeglio says the measure is another example of the evolving legislative and societal view of workplace discrimination. She pointed to the Equal Pay Act and Civil Rights Act in the 1960s, and later the Americans with Disabilities Act and the Family Medical Leave Act of the 1990s. More recently, the federal government has extended workplace protections against discrimination based on pregnancy through this year's Pregnant Workers Fairness Act.

"There is a sentiment of everyone wanting more equity overall," Cecchi-Dimeglio says.

As a result, employers are seeing an increase in discrimination complaints filed with the EEOC, she notes.

"Employers have to be more diligent and more able to navigate a complex landscape," Cecchi-Dimeglio says.

Heading into 2024, she advises employers to review and update their anti-discrimination policies, as well as invest in anti-discrimination training for HR as well as the general workforce. Importantly, she notes, HR leaders can help create a culture where discrimination complaints are investigated promptly and thoroughly.

Paid family leave law to roll out in Minnesota

Starting in 2024, employers with a presence in Minnesota will need to comply with the preliminary rollout of the state's new paid leave program. The law provides a financial safety net for employees who need to take time off for serious health conditions or to care for a new child or sick family member.

Once the measure is fully implemented in 2026, employers will be required to allow employees to take up to 12 weeks of paid family leave within a year and ensure they can return to the same or similar job.

By the middle of next year, employers must submit a detailed wage report that includes each employee's quarterly wages received and hours worked, Cecchi-Dimeglio says. By 2025, employers are required to notify employees about the paid leave program, and in 2026, they must submit the premium payments that are due, which will be 0.7% of an employee's taxable income. Employers, however, can charge employees 0.35%, or half, of this premium.

Employers that operate in Minnesota, as well as other states, have a handful of options for compliance with the new law, Cecchi-Dimeglio says.

"One is to say, 'I'm going to do this across all states where I operate.' The other option is to adopt this policy in just the state concerned," she says, noting there are benefits and drawbacks to both options. "One disadvantage is increased costs if you provide it to all states, and if you choose the other one, it's more complex to navigate."

Paid family leave is gaining traction across the nation, with states like California, New York and New Jersey recently adopting employer mandates. In the absence of such a requirement, some companies, such as Haleon, maker of Advil, and Levi Strauss & Co., are proactively enhancing their leave policies.

Columbus, Ohio to ban inquiries on past salary history

Columbus, Ohio, will join a growing number of cities and states banning inquiries about wage or salary history when March 1 rolls around. Under the city's new law, employers with at least 15 employees will be prohibited from making such inquiries.

Regardless of where employers are located, Cecchi-Dimeglio says, the growing wave of local legislation on this issue suggests employers should consider removing salary history questions throughout the recruiting process.

Even in areas without a salary history ban, employers can let job candidates know they will not ask about past salaries. Being proactive can help attract talent, Cecchi-Dimeglio says, adding that candidates may value such transparency.