



The employment relationship in the United States differs radically from that of other countries. In the USA, in fact, there is substantially less protection for workers compared to the strict regulations of civil law countries.

It is, however, essential to note the presence of a number of regulations still fueled by laws in the field of labor law, and that such regulations, if ignored, can lead to devastating economic losses for the employer. In addition, these laws are structured on two parallel plans, generally applicable together. A first set of laws emerges from the federal government and will therefore be applicable in any state in the US; a second set of regulations appears instead of different state laws. For these two main plans, a whole series of government, state or parastatal commissions and bodies must be added, which carry out regulatory and control activities in order to identify and correct the infractions committed by employers.

To exemplify, in principle, every employment contract is indefinite and can be concluded at any time. However, this principle is limited by anti-discrimination and anti-coercion laws. For example, it is not permitted to fire a worker as a result of his legitimate claim for compensation for an accident at work or for payments due to overtime. For this reason, it often happens that employers are prosecuted for dismissed employees, claiming that their dismissal was dictated by a punitive intention following their legitimate request.

If this claim is approved, the employer will be required to disburse considerable compensation for damages caused to the employee (often increased twice by express provision of law), attorney's fees and costs incurred by the worker to advance his claim.

The burden of proof will remain with the employer, as he must demonstrate that he had an objective motivation to have terminated the contract and that this reason is related to the employer's business needs or the employee's inadequate performance.

Since the laws are in favor of the worker, in the USA, it is easy to find lawyers willing to represent workers in lawsuits against their employers, in the conviction then being able to get a court settlement or verdict in favor of ending the process (which often lasts less than two years), retaining part of the remuneration, thus returning to its legal charges.

For this reason, it is essential that every business is assisted and advised preventively and continuously by a lawyer, trying to completely eliminate the possibility of being subject to lawsuits by its employees.

In addition to the example above, there are numerous other laws and regulations to be respected, even if the activity being managed has only a few employees. Some examples are: federal overtime laws (not present at the state level in Florida); read about minimum levels of compensation and claims that can be claimed against these minimum requirements; laws on accidents at work; or non-competition agreements and restrictions on the free labor market.

Given the complexity of the issue, it is essential to be assisted by a lawyer, not only once it has been processed, but especially in the professional training and daily operations of it, so that we can avoid most problems preventing them from turning into expensive litigation.

Kelley Kronenberg's lawyers advised and represented in court numerous companies in the field of labor law, this means contacting for legal advice on the most diverse aspects, the realization of all practical effects, as the internal lawyer of these companies. Finally, Kelley Kronenberg's lawyers prepared and provided advice on manuals to be handed over to employees to properly define the employment relationship, leaving a useful system of acts that can be used in self-defense in the event of a subsequent dispute.

Lawyer Sonia Oliveri is available to provide a free first consultation