

Miller Canfield, Employment Law Alliance Survey Forecasts Increased Workforce Cuts and Associated Lawsuits in 2003

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Hundreds of the world's leading employment and labor law experts think continued workforce cuts, accompanied by a flood of wrongful practice allegations, including claims of age discrimination and whistle-blower retaliation will be the hottest workplace legal issues in the new year, according to a new survey by the Employment Law Alliance (ELA), the world's largest network of employment and labor lawyers, to which Miller, Canfield, Paddock and Stone, P.L.C. belongs.

The 2003 Employment Law Forecast, conducted by the opinion research firm of Reed, Haldy, McIntosh & Associates, surveyed more than 550 leading labor and employment law attorneys across the U.S., Canada, Mexico, Europe, Asia and the Middle East – practitioners who are closest to global workplace issues. Asked to predict the leading workplace legal issues for 2003, the American-based ELA members ranked their top five hot spots as:

- Layoffs and other reductions in force
- Family and medical leave requests
- Whistle-blower claims
- Age Discrimination claims
- National origin discrimination claims

"There's no question that 2003 is going to be another very busy year for employment lawyers, which is not necessarily good news for employers or employees," said Stephen J. Hirschfeld, founder and CEO of the ELA. "For the second year in a row we're looking at the prospect of increased labor reductions."

"Organization leaders need to establish priorities for managing reductions," said Tom Hustoles of Miller Canfield's Labor and Employment Group. "When reductions are made, training and education programs sometimes see the first cuts. The survey shows only 31% of those questioned expect their clients to actively increase employment and labor law training for managers. A sound, proactive training program can be the best defense against a litigious workforce."

Looking back over 2002, 45% of the ELA lawyers polled said there was a modest increase in workplace-related litigation. However, nearly 80% of that litigation increase involved workforce reductions. The second biggest reason for litigation growth this year over 2001 was the fact that unemployed workers were having a harder time finding work after their termination. "When times get tough, for both troubled companies and terminated workers, litigation often becomes an attractive option to generate revenue," said Hirschfeld.

There are some hopeful signs in the forecast. For example, 42% of the ELA members think employers will be spending more time addressing ethics issues at the board and executive levels. Increased workplace compliance is expected to produce fewer claims involving safety and health disputes, sexual harassment claims, and disputes over disability accommodations.

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The Employment Law Alliance is the world's largest integrated, global practice network comprised of premier, independent law firms distinguished for their practice in employment and labor law. There are member firms in every major city in the United States, every province in Canada, and in major commercial centers throughout the world.

The 300-attorney law firm of Miller, Canfield, Paddock and Stone, P.L.C. was established in Detroit in 1852 and has offices in Ann Arbor, Detroit, Grand Rapids, Howell, Kalamazoo, Lansing, Monroe, and Troy, Michigan. Other offices are located in New York City, Pensacola, Florida, Washington, D.C., Windsor, Ontario, and in Gdynia, Katowice, and Warsaw, Poland. Visit www.millercanfield.com.