Franchise Employment & Labor Issues

The ever-changing landscape of employment and labor law poses numerous risks and challenges for franchisors — both with respect to their own employees and the employees of their franchisees. Franchisors are frequently named as defendants in employment-related cases brought by a franchisee's employees, and increasing efforts are being taken to try and hold franchisors as "joint employers" of their franchisees' employees. Our team of highly experienced employment and labor attorneys work closely with franchisors to satisfy their employment-related obligations and we strive, first and foremost, to help prevent employee claims. We assist franchisors in proactively managing employment-related issues by putting sound and legally compliant operations manuals, employee handbooks, and other policies and procedures in place and by providing regular advice and training to try to head off problems before they occur. In addition, should a legal dispute arise, our litigators are ready to give you the expert representation you need to assertively defend the dispute and reach a satisfactory resolution.

For franchisors with employees in multiple locations, Lathrop GPM offers value-added services as a member of the Employment Law Alliance (ELA). The ELA is a network of over 3,000 attorneys providing employment and labor expertise in more than 90 countries and all 50 U.S. states. The ELA offers multi-state and multi-national clients a comprehensive and cost-effective way to ensure legal compliance wherever they operate.

Our Experience

- Advise franchisors on all aspects of legal issues involving personnel
- Provide training, including theater-based harassment, anti-discrimination, and diversity training program
- Draft and help to implement operations manuals and employee handbooks, policies, and procedures

- Draft employment and separation agreements
- Draft and enforce confidentiality, non-compete, and related agreements
- Conduct and advise on workplace investigations
- Provide representation or support in government investigations and audits
- Defend franchisors against discrimination, harassment, or retaliation charges
- Defend franchisors in employment-related litigation of all kinds, including complex and class action matters
- Represent unionized employers in collective bargaining and grievance arbitration
- Assist non-unionized employers with lawful union-avoidance measures

Representative Matters

- Defended a national restaurant franchisor in sexual harassment litigation
- Defended several employers in wage and hour class action cases
- Defended actions against franchisors by employees of their franchisees
- Advised franchisors on encouraging franchisee compliance with employment-related obligations, including immigration, wage and hour, religious accommodation, and other employment laws
- Prepared an employee handbook for a national franchisor
- Assisted in enforcing non-compete agreements against former franchisees
- Assisted franchisor on employment law issues involved in mergers and acquisitions
- Advised a large employer in connection with its CFO's embezzlement of substantial funds and obtained summary judgment in a civil suit requiring the CFO to repay the funds and forfeit his compensation
- Served as labor counsel and lead negotiator on union contracts for numerous entities