



A Fox Rothschild Podcast

Labor Law Lineup

Episode 17: The Difference Between Labor Law and Employment Law

Featuring Mark Eskenazi and Katie Cohodes of Fox Rothschild

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Mark: Welcome to "Labor Law Lineup." I'm Mark Eskenazi.

Katie: And I'm Katie Cohodes.

Mark: We're labor and employment attorneys at Fox Rothschild breaking down how the current state of labor law affects your workplace.

Katie: Mark draws on deep experience shaping federal labor policy at both the White House and the National Labor Relations Board.

Mark: Katie offers sharp insight as former in-house counsel who's dealt firsthand with a broad range of workplace challenges.

Together, we break down labor law news for people leaders.

Katie: And we promise to keep it brief, because we know your time is valuable and your inbox is full.

Mark: Please reach out if you're a client of Fox Rothschild or a listener who wants to continue the conversation on anything we cover.

What's the difference between labor law and employment law? People often use those terms interchangeably, but they mean very different things.

Let's break it down.

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Katie: Employment law covers the one-to-one relationship between a company and an employee. Things like discrimination, harassment, medical leave, wage and hour issues, and individual contracts. Those issues can obviously apply to multiple employees at any company. Employment law is about an employee's individual rights at work.

Mark: Labor law on the other hand, it's all about the group dynamic. Labor law comes onto the scene when employees act together, whether it's to protest working conditions, organize a labor union, or go out on strike. It's about the rules that govern collective action.

Katie: For HR leaders, this distinction matters because different laws and agencies are involved. An employment law issue might trigger an internal investigation or an accommodation process, whereas a labor issue could mean a union campaign, contract negotiations, or even strike planning.

Mark: And knowing the difference isn't just legal trivia. Each situation demands a different playbook. Labor issues in particular such as an organizing campaign can escalate incredibly fast with strict rules about what you can say and when.

Katie: Exactly. HR leaders have no shortage of compliance demands when it comes to the employer-employee relationship.

Mark: The bottom line, HR needs a road map for both, even if their workforce does not have a union.

Thanks for listening.

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