

## Construction Industry Workplace Law Update – Fall 2022

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### Medical Marijuana and the Construction Job Site

The changing legal landscape relating to marijuana usage means that employers, especially those with safety sensitive positions or who are subject to federally mandated compliance requirements, need to review their current policies and approaches to positive drug tests reflecting marijuana usage to ensure they follow applicable federal, state, and local laws regarding marijuana in the workplace. [Read full article ...](#)

### Greater Diversity in Construction Helps All

The labor shortages faced by the construction industry as a result of the COVID-19 pandemic present an opportunity to focus on attracting a diverse pool of workers and on a renewed commitment to diversity, equity, and inclusion (DEI). [Read full article ...](#)

### Architecture Firm Recognizes First Private-Sector Architects Union

Historically, unions have had success organizing the core manual laborers in the construction industry. The formation of the first union of architects at a private-sector architecture firm in the country suggests that union activity could spread to other types of workers. [Read full article ...](#)

### OSHA to Require More Contractors to Report Injuries and Illnesses Online

The Occupational Safety and Health Administration (OSHA) has published a [proposed rule](#) to restore and expand [Obama-era requirements](#) for high-hazard employers with at least 100 employees to submit their injury and illness forms electronically to the agency. [Read full article ...](#)

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## Withdrawal Liability and The Building and Construction Industry Exception

Withdrawal liability is a statutory obligation under the Employee Retirement Income Security Act (ERISA) that any unionized employer may have to confront. Exemptions from liability include one applicable to construction industry employers. [Read full article ...](#)

### Second Annual Construction Inclusion Week: October 17-21, 2022

Awareness of the tangible business benefits of effective diversity, equity, and inclusion (DEI) practices is driving change in the construction industry. In the past, such efforts were seen as, at best, “the right thing to do.” Now, major industry companies and trade associations identify DEI as a key solution to recruiting and retaining the workers, and clients, the companies need to be successful. [Read full article ...](#)

### Guidance for Classification of Construction Workers Provided by New Jersey Supreme Court

In a case involving a drywall installation business, the New Jersey Supreme Court has provided helpful tips for employers to properly classify construction workers as independent contractors or employees and to accurately assess when to owe worker contributions to the unemployment compensation and temporary disability benefit funds. [Read full article ...](#)

*Robert R. Perry, Kathryn J. Russo, Christina Silva, Kristina H. Vaquera and Poonam Sethi also contributed to this article.*

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