



In the Loop

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FTC Proposes Rule to Ban Noncompete Agreements

The Federal Trade Commission (FTC) recently announced a proposed rule that would ban noncompete clauses in employment agreements. In making its historic announcement, the agency stated that noncompete agreements harm competition; suppress wages for workers, including those not subjected to noncompete clauses; reduce labor mobility; and hamper innovation. According to the FTC, if the proposed rule becomes final, it could increase employee wages by approximately \$300 billion per year and expand career opportunities for 30 million American workers.

What Will the Proposed Rule Address?

The agency's proposed rule is based on a preliminary finding that noncompete clauses constitute unfair competition and, therefore, violate Section 5 of the Federal Trade Commission Act. The proposed rule would generally prevent employers from taking the following actions:

- Entering or attempting to enter into noncompete agreements with employees
- Maintaining noncompete agreements with employees
- Representing to employees, under certain circumstances, that they are subject to noncompete agreements

The FTC's proposed rule includes a limited exception for noncompete clauses between a seller and buyer of a business. Additionally, nondisclosure and nonsolicitation agreements are excluded from the definition of a noncompete clause. The agency's proposed rule would apply to both employees and independent contractors. If the rule becomes final, employers would be required to nullify existing noncompete agreements within six months of the final rule's publication.

What Does This Mean?

Noncompete agreements are used for workers across industries and job levels. They prevent workers from accepting jobs with competing employers or even starting their own businesses. If the FTC's proposed rule becomes final, employers would no longer be able to require employees to agree to noncompete clauses, and existing noncompete agreements would no longer be considered valid. Banning noncompete agreements could considerably impact employee wages, working conditions and benefits since employees would have the freedom to change jobs, seek higher wages and search for better working conditions and benefits.

Workstation Ergonomics

Employees often spend a lot of time at their workstations, so it's important to ensure the space is set up for them to succeed and develop healthy and sustainable habits. Ergonomics is the science of fitting a workspace to an individual's needs and aims to increase efficiency while reducing discomfort and the likelihood of injury. Poor workstation ergonomics can lead to reduced productivity and several musculoskeletal disorders that may have long-lasting effects, such as head or neck strain and damage to muscles, nerves, blood vessels, ligaments and tendons.

While completing a nonergonomic motion may feel natural or safe for the short term, repetitive or prolonged use of an unhealthy body movement can lead to long-term injuries and strains. Typically, aches and pains from office work stem from physical stress due to prolonged and awkward positions, repetitive motions and overuse. Even with the best posture and ergonomics, sitting at a desk can still be stressful for the body. Fortunately, a properly designed workstation and healthy habits can help employees stay comfortable and healthy at work. Here are tips for several aspects of healthy workstation ergonomics:

- **Chair support** — An employee's chair should support their spine's curvature and adjust so that their feet are resting flat on the floor and their thighs are parallel to it. Employees should focus on maintaining good posture by sitting up as straight as possible.
- **Desk placement** — A desk should have space underneath for an employee's legs and feet without their knees banging on the bottom. If it's too low, employees should adjust their chairs or work surfaces accordingly.

- **Computer monitor positioning** — Employees should ensure their computer monitors are directly in front of them and an arm's length away. The top of the screen or screens should be at or below eye level.
- **Keyboard and mouse use** — When using a keyboard and mouse, they should be on the same surface. Ideally, a flat keyboard is better than a tilted one. Employees should position their arms so their wrists can be straight, with their arms at elbow level.
- **Phone and meeting considerations** — If an employee is spending much time on phone calls or in meetings, a headset or speakerphone can reduce the need to frequently hold up the phone or press it up against their neck.
- **Lighting selection** — A mixture of natural and artificial light can reduce the risk of eye strain and headaches. Glare can also strain an employee's eyes, so they should position their monitor in a way that reduces and eliminates glare, if possible.
- **File organization** — Employees can organize files and materials so they're not frequently bending or straining to access them.

While setting up a workstation properly is key, it's also important to maintain healthy behaviors, such as focusing on good posture. In addition, employees should be sure to readjust and take breaks from time to time. On average, the human body can only tolerate one position for about 20 minutes before needing readjustment. Even taking a one-minute break every 20 minutes is helpful.

Ideally, an employee's workstation setup should include everything they need to create an ergonomic environment. However, if employees have any questions about their equipment or best practices, they should discuss them with their manager.

