

## **The Latest Demand on California Employers**

### **“Provide a Chair to your Employees”**

A recent class-action lawsuit against the CVS pharmacy chain was one of many filed in California during the last several years against corporations that required workers to stand. In a unanimous ruling Monday, the California Supreme Court clarified labor law in a way that is likely to make it more difficult for companies to deny workers a chair.

“There is no principled reason for denying an employee a seat when he spends a substantial part of his workday at a single location performing tasks that could reasonably be done while seated, merely because his job duties include other tasks that must be done standing,” Justice Carol A. Corrigan wrote for the court.

Whether a worker is entitled to a seat depends on “the totality of the circumstances,” including whether a task can be performed from a chair, whether seating the worker would interfere with job performance and whether the physical layout of the work space is conducive to seating, the court said.

An employer may not design a work space to “further a preference for standing” and must consider whether it could be reasonably changed to accommodate a chair or stool, the court said.

“If the nature of the work reasonably permits seated work,” the court said, the law “unambiguously states employees ‘shall be provided with suitable seats.’”

Employers must now give workers the option of sitting. This ruling affects employers in several industries, most notably retail and banking and may place an additional financial and procedural burden on employers as they struggle to comply with the law and the demands of their employees.

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