

FTC Workshop on Non-Compete Clauses Demonstrates New Interest—But Little Likelihood of Shift in Current Enforcement Approach

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On January 9, 2020, the FTC held a workshop entitled “Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues.” This workshop is part of a growing interest in addressing the competitive impacts of non-compete clauses in employment agreements, which have become fairly common in the marketplace but largely remain governed by a patchwork of inconsistent state laws. Despite the recent uptick in attention, the prospects for FTC action in the area remain murky and ambiguous, with an FTC rulemaking unlikely given the current lineup of Commissioners. State-by-state approaches will most likely continue to prevail.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

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