

ASSOCIATE

## Benjamin J. Hinks

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### OVERVIEW

Ben Hinks is an attorney in the firm's Employment & Labor practice, representing employers in litigation matters from preliminary stages through trial. He has handled wage and hour claims, discrimination actions, non-competition and trade secret disputes, and contract claims before the courts of Massachusetts, Rhode Island, and administrative agencies.

Ben also helps counsel clients through a full range of employment issues including hiring, termination, personnel policies and handbooks, leaves of absence, internal investigations, employee discipline and DEI initiatives.

Over the course of his practice, Ben works with clients such as higher education institutions, nonprofits, healthcare organizations, country clubs, hospitality groups, and government contractors.

Additionally, Ben provides assistance to higher education clients with risk management matters and investigations specific to colleges and universities, such as Title IX compliance and sexual misconduct matters, as well as other student and faculty issues.

### Besides work

Ben enjoys activities such as skiing and playing tennis with friends and family. He is also an avid soccer fan and supports Arsenal football club.

### EXPERIENCE

#### Executive-level agreement for nonprofit organization

A nonprofit organization with a departing executive decided to outsource the executive's position. In the short term, the organization found an interim executive who agreed to help during the transition period and also stay on at an advisory level as needed after the transition was completed. Ben prepared an employment agreement so that all parties understood the terms and conditions of the position.

#### Successful arbitration involving claims of fraud and misrepresentation in the employment context

A former employee of an aerospace company brought claims under contract and common law theories alleging misrepresentations related to the terms and conditions of his employment, and specifically, the duties he was required to perform. Ben and the team successfully defended the case and secured a win for the client after a multi-day arbitration. The

defense involved nuanced arguments related to the at-will doctrine and reasonable reliance.

## OTHER EXPERIENCE

- Healthcare and nonprofit clients with MCAD claims
- Employers before MCAD and EEOC, including race discrimination, disability discrimination, sex discrimination and retaliation
- Large healthcare company with an internal investigation after physician was accused of sexual harassment over a number of years and the case was settled out of court; the internal investigation was to determine if there was merit to the claims; we conducted witness interviews and prepared reports for the client
- Structured separation agreement for an executive to remain as a consultant to maintain their eligibility for a bonus
- Defending employers against a variety of contract and common law claims, such as claims for negligence and misrepresentations
- Large naval engineering company with a range of employment matters, such as assisting in reviewing workplace policies and counseling on accommodations requests and wage and hour issues
- Defending discrimination matters in state and federal court

## AFFILIATIONS

- Board of Directors, Big Brothers Big Sisters of Central Mass & MetroWest
- Member, Boston Bar Association
- Member, [National Association of College and University Attorneys](#)

## HONORS

- *Best Lawyers in America: Ones to Watch*, Labor and Employment Law – Management (2024) and Litigation – Labor and Employment (2024)
- Massachusetts *Super Lawyers* Rising Stars list for Employment Litigation: Defense, 2023

## ARTICLES & TALKS

### ARTICLES

- [“Connecticut Legislature Passes Significant Expansion of Paid Sick Leave Benefits for Employees,”](#) Bowditch, 2024
- [“DOL Announces Final Rule Increasing Minimum Salary Levels for FLSA Overtime Exemptions,”](#) Bowditch, 2024
- [“Rhode Island Employers Take Note – New Penalties for Wage & Hour Violations Begin January 1, 2024,”](#) Bowditch, 2023
- [“MA Federal Court Issues Favorable Ruling for Employers in Case Involving COVID-19 Vaccine Mandate and Request for Religious Exemption,”](#) Bowditch, 2023
- [“DHS Announces New Form I-9 and Remote Inspection Option Designed to Modernize I-9 Process for Employers,”](#) Bowditch, 2023
- [“U.S. Supreme Court ‘Clarifies’ Religious Accommodation Standard After Nearly Half a Century,”](#) Bowditch, 2023
- [“East Penn Verdict Is An FLSA Cautionary Tale For Employers,”](#) *Law360*, 2023
- [“Largest Ever FLSA Verdict Underscores Importance of Employer Compliance with Wage and Hour Laws,”](#) Bowditch, 2023

- [“What NLRB’s Ruling on Non-Disparagement Clauses Means for Financial Services Firms,”](#) *Banker & Tradesman*, 2023
- [“Concrete Steps Employers Should Consider When Drafting Severance Agreements in the Wake of McLaren Macomb,”](#) Bowditch, 2023
- [“Employers Beware – Your Confidentiality Provisions May Come Back to Bite You,”](#) Bowditch, 2023
- [“NLRB Modifies Rule Governing Off-Duty Workplace Access for Employees of Contractors,”](#) Bowditch, 2022
- [“Garden Leave Payments Under MA Noncompetition Agreement Act Not Covered by Wage Act,”](#) Bowditch, 2022
- [“Department of Labor Seeks to Alter Independent Contractor Classification,”](#) Bowditch, 2022
- [“NLRB Proposes Expanded Standard for Joint-Employer Status,”](#) Bowditch, 2022
- [“CDC Relaxes COVID-19 Safety Recommendations in Updated Guidance,”](#) Bowditch, 2022
- [“Rhode Island Enacts ‘Tip Protection’ Law,”](#) Bowditch, 2022
- [“Employment Law Updates for Massachusetts and Rhode Island Employers,”](#) Bowditch, 2022
- [“Massachusetts Emergency Paid Sick Leave to End March 15,”](#) Bowditch, 2022
- [“City of Boston Lifts Mask Mandate, Effective March 5th,”](#) Bowditch, 2022
- [“The City of Boston, Rhode Island, and Connecticut Issue New Vaccine Policies Impacting Businesses & Employers,”](#) Bowditch, 2021
- [“EEOC Issues Guidance on COVID-19 and Disability Protections Under the Americans with Disabilities Act,”](#) Bowditch, 2021
- [“Updated Employer Guidance on COVID-19 Vaccination Mandates Issues by Both the EEOC and Safer Federal Workforce Task Force,”](#) Bowditch, 2021

## TALKS

- [Employment Law Coffee Break](#), Bowditch, 2024
- [The Supreme Court on Campus](#), Bowditch Higher Education Roundtable Series, 2023
- [Accommodation Requests in a Post-Pandemic World](#), Bowditch Higher Education Roundtable Series, 2022

## BAR ADMISSIONS

- Massachusetts
- Rhode Island
- U.S. District Court, Massachusetts
- U.S. District Court, Rhode Island

## EDUCATION

- J.D., Northeastern University School of Law
- B.A., Skidmore College