

December Is Noncompete Month In The General Media

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It is somewhat unusual that the various tools and alerts that I have set up to stay current on noncompete laws point me towards major newspapers, but that has happened twice this month. First, and the more significant of the two in terms of things employers need to keep an eye on, the *Boston Globe* [published an opinion piece](#) to virtually prohibit noncompete agreements.

The column, cleverly entitled “Noncompete Claws,” says that California has created “a unique employment ecosystem that thrives on employee movement” by largely prohibiting noncompetes, and in effect has an advantage over Massachusetts in that industry (By the way, few employers will argue that California is a “unique” employment ecosystem!). One of the handful of comments on the piece is interesting, stating that, even if the author is right about noncompetes as it relates to Massachusetts competing

with California in the tech industry, the wisdom of noncompetes is a different analysis for more established industries. I am not sure if anybody has done meaningful empirical analysis of how noncompetes affect the economy, but the point that noncompetes may affect different industries differently is food for thought. Not sure if there is any way to legislate such a difference if it were somehow found to be the case.

[The other article](#) is brief, and it appears in the “Your Money” page of the *Wall Street Journal*, offering several short vignettes about individuals starting their own businesses and the effect of noncompetes. There is less food for thought for employers here, but it *is* the *Wall Street Journal*, so it's worth noting just in the category of directing attention to this important topic for employers.