

Introduction to Human Resource Management

Class 6



Class Overview

This is a very exciting class, because students will be able to apply their legal expertise to the field of HRM. Topics such as, “Why is the legal environment important in the workplace?” will be covered. Legal topics such as legal compliance in the workplace, fair employment, EEO compliance, etc. will be covered.

Students will be asked to draw upon their previous legal courses, if applicable, and apply their knowledge to the topic of HRM.

Legal Environment in the Workplace

Understanding the legal environment in the workplace is essential. To promote a positive and compliant workplace, employees should do the following:

- Recognize Limitations - Defer to experts for legal counsel.
- Limit Liability - Adhere to legal requirements.
- Acknowledge the Complexity of the Law - Recognize that the law is multifaceted and therefore, utilizing legal representatives is important.
- Do the Right Thing - When in doubt, employees should do what is right, rather than what is most popular.

Role of the EEOC

“The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.”

The Law, as Related to the EEOC

Various laws exist and serve to protect employees. Below are laws that are prevalent in the United States. These laws must be followed by organizations.

- Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964 and Amendment to Act (1991)
- Title VII and Pregnancy
- Sexual Harassment
- Executive Order 11246
- The Age Discrimination in Employment Act of 1967
- The American with Disabilities Act of 1990

Equal Pay Act of 1963

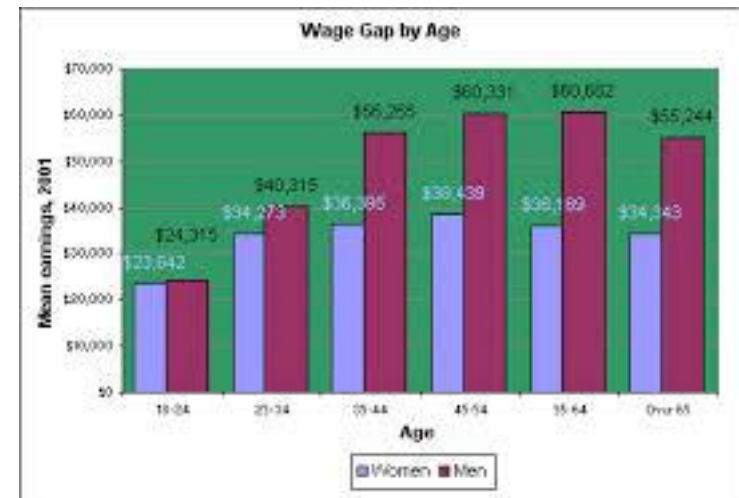
Requires that women and men receive same pay for same tasks. There is still debate about the effectiveness of the Equal Pay Act of 1963. To date, there is still a major wage gap between men and women.

“Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment.”

Wage Gap Between Men and Women

“In 2010 women who worked full time, year round, still only earned 77 percent of what men earned.”

Additional Reading: [The Top 10 Facts About the Wage Gap](#).



Video - The Wage Gap



Please watch the video above regarding the wage gap.

Title VII of the Civil Rights Act of 1964 and Amendment to Act (1991)

“Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion.”

Issues with Title VII of the Civil Rights Act

- Does not protect LGBT community.
- Difficult to prove discrimination.
- Applicable to organizations of 15 employees and above.
- Statute of limitation on complaint reporting.

Title VII of the Civil Rights Act of 1964 and Amendment to Act (1991)

Protected Class	
♦ Age * (40 or over)	♦ Military service
♦ Ancestry*	♦ National origin *
♦ Arrest/ Conviction	♦ Pregnancy/ Childbirth
♦ Color*	♦ Race *
♦ Creed* (religion)	♦ Sex *
♦ Disability *	♦ Sexual orientation
♦ Genetic testing	♦ Use/Non-use of lawful
♦ Honesty testing	products off the employer's
♦ Marital status	premises during non-working
	hours

**Federal
Laws = ***

- » Title VII of the Civil Rights Act of 1964
- » Age Discrimination in Employment Act (ADEA)
- » Americans with Disabilities Act of (ADA)

Please watch the video above regarding Title VII.

Title VII and Pregnancy

“An employer cannot refuse to hire a woman because of her pregnancy-related condition as long as she is able to perform the major functions of her job. An employer cannot refuse to hire her because of its prejudices against pregnant workers or because of the prejudices of co-workers, clients, or customers. The PDA also forbids discrimination based on pregnancy when it comes to any other aspect of employment, including pay, job assignments, promotions, layoffs, training, fringe benefits, firing, and any other term or condition of employment.”

Video- Other Important Aspects of Title VII and Pregnancy



Please watch the video above regarding
Title VII and pregnancy.

Sexual Harassment

“It is unlawful to harass a person (an applicant or employee) because of that person’s sex. Harassment can include ‘sexual harassment’ or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.”

Video - Sexual Harassment



Please watch the video above regarding sexual harassment.

Executive Order 11246

“The Executive Order 11246 (E.O 11246) prohibits federal contractors and subcontractors and federally-assisted construction contractors and subcontractors that generally have contracts that exceed \$10,000 from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin.”

Video - Executive Order 11246



Please watch the video above regarding
Executive Order 11246 and its
implications.

The Age Discrimination in Employment Act of 1967

“The Age Discrimination in Employment Act (ADEA) only forbids age discrimination against people who are age 40 or older. It does not protect workers under the age of 40, although some states do have laws that protect younger workers from age discrimination.”

Video - The Age Discrimination in Employment Act of 1967

Older Workers and Age Discrimination

The Age Discrimination in Employment Act (ADEA), signed into law in 1967, forbids discrimination in the workplace against anyone 40 or older. A recent survey shows that many workers still believe there are signs of age discrimination on the job today.



64% of workers say they have seen or experienced age discrimination in the workplace.

58% of adults believe age discrimination begins among workers in their 50s.

Source: Bureau of Labor Statistics

Staying Ahead of the Curve 2013: AARP Multicultural Work and Career Study Perceptions of Age Discrimination in the Workplace — Ages 45-74

GRAPHIC: AARP Digital Design

AARP
Real Possibilities

Please watch the video above regarding age discrimination.

The American with Disabilities Act of 1990

“This piece of legislation ensures equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.”



What is a disability?

The ADA defines disability as:

- A physical or mental impairment that substantially limits one or more major life activities (i.e. working, talking, hearing, seeing, caring for one's self)
- Having a record of such an impairment
- Being regarded by others as having an impairment such as individuals with severe facial scarring.

Video - Visible versus Invisible Disabilities



Please watch the video above regarding visible versus invisible disabilities.

Video - EEOC Enforcement and Compliance

To better understand the components of compliance, please click on the image to view a great compliance video.



*99 ways
to improve your
EEO compliance*

Avoiding EEOC Pitfalls

Organizations must assist in preventing a lack of EEOC compliance.

Organizations can promote compliance by:

- Provide training
- Establish a compliant resolution process
- Documenting employee complaints
- Acknowledge organizational downfalls (i.e. weaknesses)
- Being honest about compliance and lack thereof

When is Discrimination Unlawful?

The ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- pay
- hiring
- firing
- promotion
- job assignments
- training
- leave
- lay-off
- benefits
- all other employment related activities.

Video - Discrimination in the Workplace



To better understand discrimination in the workplace, please click on the following video link.

Discrimination

- Disparate Treatment
 - Illegal employment discrimination.
- Adverse Impact
 - Substantially different rates in hiring, promotion, or other employment decisions based upon basis of race, color, religion, sex, or national origin.

Issues with Various EEOC Laws

Though there are benefits to EEOC laws and sanctions, employees and employers have also communicated complaints regarding these regulations.

Please see the link for a better understanding of various law and sanction issues- [Complaints under the Equal Employment Opportunity Commission](#).