

Employer and employee rights and responsibilities



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Almost one in four employees do claim that they have been under workplace harassment in France, this is according to the research done by the International Labor Organization. The bullying is said to be originating from their race, sexual orientation, health status, religion, and disability. However, this does not mean that it is only in France where people undergo such mistreatment, cases of workplace harassment are present in almost every part of the world. Did you know that workplace harassment is the fourth causes of death among employees? The case is even worse among women in the workplace. Like school gun violence which has been as a result of stress among students, workplace violence has also been as a result of employees' mistreatment which in most cases makes them become stressful and end up causing violence because of conflicts with the employer. The main aim of this paper is to examine various cases where employees' rights and responsibilities have been undermined.

There are various rights and responsibilities which both the employer and employee should perform to their level best to avoid cases of conflict and misunderstanding between the two parties. First, let us look at various rights and responsibilities that an employee should adhere to, it is the responsibility of an employee to be loyal to his work and employer. This brings about trust which is critical in any job. It makes your employer believe in you and also respect your services and personality at the end.

Employees should be ready to personally do the work they were hired to do without fail. Also, you as an employee, you should hold your work's ethics and be ready to play your role without keeping other in any danger. For instance, a civil engineer will do his or her construction work without risking

the lives of his or her clients. Failure by the employees to play their role effectively, the employer may decide whether to fire them or take them to court. On the other hand, employers do have their responsibilities that they should also play.

The reason for employees' mistreatment and harassment has always been the failure of an employer to perform their function efficiently. As an employer one should understand the responsibilities that he or she needs to play to provide a good environment for their employees. The primary responsibilities include the following. First, employers should provide their employees with good environment, a place a place of work and ensure that the employees have access to that place. This is through delivering equipment, tools, training all other things they require to do their job.

Secondly, employers should make sure that the working conditions are safe. Observing occupational health and safety measures is vital in any workplace. Workplace hazards have been one of the leading death causes among employees. Besides, employers should provide with their employees with enough salary and allowances they agreed to when signing the contract. The salary should include vacation and holiday fee. Although the employers do understand the existence of these responsibilities, they have been assumed hence leading to employees mistreatment. There are some cases which have been reported over the same issue.

Abercrombie and Fitch store v. Samantha Elauf.

In this case, Samantha Elauf claimed that the Abercrombie and Fitch store had refused to offer her employment even though she had qualifications to
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secure a position because of his headscarf. This was more of a religious matter. Elauf was a Muslim lady. Therefore, it is there culture and norms to wear the hijab. On the case, the district court sided with Elauf, and she was awarded \$20000 as compensation. However, Abercrombie then fined an appeal at the Supreme Court. According to those who were siding with Elauf including The Equal Employment Opportunity Commission, Title VII of the civil rights act of 1964 protects anyone from being disqualified at any jobs position because of their religion. The issue of discrimination at workplace due to faith has been common in various parts, and it is not only in the United States of America but also in different parts of the world where a given religion is not appreciated.

Department of Homeland Security v. MacLean (January 21, 2015)

This case involved MacLean and the federal security. McLean was an employee of Transportation Security Administration based at Las Vegas. McLean had revealed security secret about the cancelation of overnight shift for air marshals. According to him, McLean thought that this move by the federal security was wrong and could place people in danger. He, therefore, called the media and reported about this issue. On realizing this, his employers terminated his contract claiming that he did not obey the laws of the country's security. However, MacLean went forward to challenge his termination basing on the whistleblower protection law.

MacLean won the court case. According to the court judgment, an employee has the right to whistleblow any activity or utterances by his employer that the employee personally thinks may be wrong to be implemented. MacLean

knew that canceling overnight shift at the time where there could be hijacked in the city, could cause a lot of damages. In this case, the employer fails to respect the responsibilities and opinions of their employee. These two court cases are among many cases involving employers and their employees that have been reported in the country over the years. It is evident that the employees have suffered a lot in the workplace, however, in most cases, this always remains unsaid due to fear that they will lose their jobs. The way the employees are treated is still different depending on the type of workplace. The rights and responsibilities of workers at the private organization are still different from that of the public sector.

Private Sector vs. Public Sector Employee Rights

Private sector employees are the one who is hired to fulfill the goals of given private business and non-profit organizations. On the other hand, public employees are the one who is offered jobs by the government, either national or state to fulfill the roles of law enforcement, peace building, health, public education and safety among many more. Compared to private workers, federal workers have a certain level of protection. Nevertheless, the in-depth investigation will only show that their employers have undermined the rights of both the two types of employees.

To examine the rights of employees in these two sectors, it is vital if we look at the following areas.

First Amendment

This is an advantage to the public employees. Under the constitution of the United States, public employees have rights and are protected by the law to make a speech without being interfered with their employers. There is freedom of expression among public employees. The case is never the same when you are to look at the private sector. Employees in private sectors are discouraged from making a certain speech that may not impress their employers. This may lead to firing, suspension or any other punishment to cover for the same. These show that in the public sector, the freedom of speech is highly respected compared to the private sector.

Job Security

Employees who are under private employment are “ at will,” and therefore they are at the risk of being fired anytime they cause a mistake. Firing may also be out of discrimination by the employers such that people are chosen based on their race, sexuality, and class. However, this is not always the case among the public employees. The constitution protects public workers, therefore, firing them might be a process. For instance, a lawsuit should be filed over the same, and only the final judgment will allow if the employee has to be fired or not. This clearly shows that job security is favorable among the public sector than the private sector. ‘

Labor Unions

The right to join labor unions among the employees also creates a difference between private sector workers and public sector workers. The law to allow the employees in the private sector to create or join labor unions for the collective action. It is through the unions where the employees can debate

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for their grievances and ensure their rights as workers are respected.

Although public employees are also allowed to join various unions, it is always challenging for such union to be against the government, who are the employers of public workers.

The concept of employees' rights and responsibilities is understood differently at various level. However, both of them target to protect human rights. The main body dealing with labor rights is the International Labor Organization.

International Labor Organization

Created after the First World War, ILO has been pushing for labor reforms, majorly creating labor standards that each employer or trader should adhere to in protection of human rights. Although these standards are designed to meet international, each country is required to implement them differently. There are dozens of laws that work to protect the employee rights. However, of the many, some counties and states have only met a few of the standards which show that there is still a big step which should be followed to achieve employees' justice. For instance, Washington State has only ratified two laws, one targeting to bring an end of forced labor and the second one about child labor. Other ILO labor standards include matters to deal with wages, welfare, health, and safety.

Employees' rights and responsibilities are not only a matter of international laws or federal. However, the issue is also well represented in various states. This paper will closely explore how the law protects the employees in Texas State.

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Texas Employment Laws

Both the federal and states laws protect any worker in Texas. Discrimination and harassment of employees in Texas is not a matter of discussion. It is a crime for an employer to harass his workers. Perception is also prohibited whether it is at the interview, job listing, discipline, promotions, terminations, and layoffs. Under Title VII of the federal Civil Rights Act of 1964, employers should make any decision depending on the race, sex, religion or nationality of any person. Texas State also bans such kind of discrimination at all level as mentioned in the Texas Workforce Commission.

Wages and salaries are also covered in the Texas labor laws. The State sets a minimum wage at \$7. 25 an hour same as the Federal Fair Labor Standards Act. An employer is also subjected to overpayment wage in Texas. Besides, time work of in Texas in a must to any employee that requires it, and an employer will not fire an employee because they have taken their leave. Some of the holidays which an employee can be offered in Texas include, Family and Medical leave, military leave, military family leave, jury duty, and voting. Other vital rights that the state closely follow is the issue of occupational health and safety. An employee in Texas should work in a good environment that will not cause any injuries or health issues. Besides, employees are also subjected to unemployment and insurance benefits.

High-Performance Work Force

Aston and Sung (2002) define high-performance workforce as the practices of employers to improve the welfare and environmental conditions of their employees to gain the best results from them. The matter of high-

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performance workforce is not a new debate in Human Resource Management since the issue has been there for long. Various studies done by scholars and practitioners in this sector argue out that, employees will only perform at their best if their rights and responsibilities are not overlooked. Thang et al. (2010) assert that there is no any best practice which the employers could increase the organization's performance. Many researchers of the same subject supported this. According to Thang, the best practice by an employer if he or she wants to attain high performance is to carry out practices depending on the organization's culture, norms, technology, and other external factors.

To achieve a more productive workforce human resource manager ought to invest more in their employees' capabilities through training than ever before (Timiyo 2014). Apart from the performance of employees being improved by effective organization's policy, their motivation, encouragement, and knowledge is core (CPID 2012). In this globalized and industrialized world, it has become complicated for the managers to train their workers on various practices and this has been the main reason why the employees fail to perform their work effectively.

Conclusion

In general, human resource managers should be ready to provide their employees with enough training, motivation, and encouragement. This is the only one of the best practices that will see the performance of the employees improve. Employees' wages, allowances, working conditions, and leave should be favorable in any given organization. As an employer, you

should not take any advantage of your position and treat your employees poorly. Besides the policies and laws that work to tackle this problem should be reformed for the better. Even though there is an increase in technological development and innovations, employees are critical in achieving the organization's achievement, and therefore they should never be undermined in any way.

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