

# Case study on employment laws

[Business](#), [Employee](#)



## **Abstract**

In the modern business environment, the employee has taken a central role in both management, production, sales, among other phases in the workplace. In addition, with information and a growing level of consciousness within society, it has become essential for employers to take note of the necessary employment laws, regulations and safety requirements. In the spirit of undertaking a fulfilment of the same, this paper proposes a number of laws that this organisation needs to adopt and observe through a clearly set and pre-determined mode. It is also in the recognition of the need to follow the employment law regime not only in the United States of America but also in the global context where the organisation maintains a presence. Some of the laws that the paper proposes include the Family and Medical Leave Act, Unemployment Compensation Act, the Equal Pay Act, the Equal Opportunities Act, the Anti-Harassment laws and the body of regulations and standards under the Occupational Safety and Health Administration auspices. It is the overall undertaking that these employment laws and regulations shall be administered to a responsible workforce that will in turn discharge their duties.

## **Introduction**

The legal regime in the United States of America is adequate and robust to the extent that employment and general labour laws in the United States are liberal, permissive and protective of human rights in terms of economic and civil rights. This paper would briefly cover the employment laws that it considers essential for inclusion in the business organisational employee

plans. It is the position of this paper that although different laws should be applied in addressing various employment related issues, the overriding objective must be retained. It is essential, to this extent that the spirit of the laws as to delivery of justice and conferment of natural rights should influence any law that is embraced and developed upon in terms of the development of the overall employee policies. This paper would now discuss various employee laws that need recognition and application in the overall employee management policy.

### **Equal Opportunity Law**

This is the law to the extent that employers ought to provide equal opportunities to the potential employees and the already recruited employees. In this regard, it is integral upon the organization to adopt an approach that avails equal opportunities to the potential employees and the employees within. The scope of such a policy should be inclusive of non-discriminative ideals that do not employ any basis as to the sex, colour, and tribe, and ethnic origin, nationality, religion, among other biases to deny the equal opportunities to potential employees or employees in the workforce.

### **Fair Labor Standards Act**

This law is in appreciation of the need to respect and observe the requirement as to the minimum wage. To that extent, it is incumbent on the organisation to set the remuneration in proportion to the qualifications of the employees in a way as to desist from exploitative practises and ideals. In this regard, it is equally important for the organisational policy to set clear and stated minimum rates. It would be essential for the organisation to entertain

the economic conditions prevalent and the realities in setting its minimum wage policy. It must be informed by the presence of the worker in the organization to the exclusion of applying her services elsewhere, the skills and competency of the worker in question, among other work conditions that together go into affecting the overall output of the organization.

## **Family and Medical Leave Act**

This law provides that employers need to give their employees adequate leave and permission to absent themselves in relation to any of the following necessities: birth and attendant care of a new born child; a child would require both fatherly and motherly care. From a social perspective, the employer needs to appreciate that raising children requires the support of both father and mother. In this light, it would be prudent for the employment policy to donate time for leave for the employees upon the arrival of a new one in their families. Adoption of a child; even for the parent employees who have managed to acquire foster children, it is essential for the employer to allow these employees some time out for the family to bond and get used to one another. Taking care of an immediate family member; there are cases where employees would be required to absent themselves from work because of the need to take care of the children, spouse or parents who may be in conditions requiring their attention. The work employment plan must entertain such occurrences and situations. In fact, this has since developed into a body of comprehensive law called the discrimination against employees with family responsibilities. The employer must accept the realities that family responsibilities may put on his employees and so provide for solutions through the leave options. Medical leave; finally, the employer

needs to put up comprehensive provisions that facilitate employees to take medical leave in pursuit of medical attention or in need for rest during recuperation from medical conditions.

## **Unemployment Compensation Law**

In the same breadth, the organisation must be wary of the adverse effects technology and innovations have on the organisation labor. In this vein, the organisation needs to provide for compensation to personnel who in unanticipated occasions would be rendered obsolete, redundant and or unnecessary due to changes in the work operations, technologies, among others. This would be in the spirit of securing the future through provision of some amount to be used by the employee in redevelopment or other monetary undertakings.

## **Equal Pay Act**

The organisation also needs to be cognisant of the provisions of the Equal Pay Act and Title VII. The spirit and the letter of these legislations need to inform the development of the salaries amount, structure and remuneration services. It should be appreciation of the statutory recognised need to observe gender non-discrimination or any discrimination. To that extent, gender, color, race, age, among other peculiarities should no found the basis for setting remuneration. The generally accepted bases in setting remuneration include performance, skills and competence and the seniority and experience in the workplace. However, that set of bases must also be interpreted in a way that does not disadvantage the employee otherwise it would amount to discrimination.

## **Harassment Laws**

It is important to appreciate that harassment in itself does not constitute any law. However, it is premised on a body of law that resonates around a number of statutes such as Title VII, Americans with Disabilities Act, 1990, the Age Discrimination in Employment Act, among others. It should, therefore, be noted by the organisation that the legal regime in America is largely anti-harassment and that discrimination of any form that would amount to harassment would be unwelcome. Therefore, in the spirit of preventing harassment, it is essential for the organisation to uphold the dictates and general provisions of relevant statutes.

## **Occupation Safety and Health Administration (OSHA)**

These refer to the set of health, safety and general standard that the United States Department of Labor require organisations to observe in the provision of requisite working and operating conditions for the workforce. It should be appreciated that OSHA entails numerous requirements and regulatory standards that should be observed. It is the organisational responsibility to undertake all the compliance and observe the regulatory measures. This would result in an overall conducive working environment for the workforce and promote industrial developments. While it is essential that all the requirements are observed and adhered to, some of the critical ones that this organisation would have to comply with include the provisions as envisioned in these standards: Protection of Individual Privacy in Records, Rules of Practice and Occupation, Safety and Health Standards. One overriding concern that the organisation must be privy to is the need to ensure the working conditions at the workplace are consistent with the

dictates of human rights, the operating conditions as envisioned by the Department of Labour and the International Labour Organisation under the auspices of the United Nations. In satisfaction of the standards, the organisation must also entertain environmental conscious techniques and conservation mechanisms in setting their overall work standards and regulations. In the long run, the standards and body of rules in the organisation must not only be tailored for the satisfaction of the law but their application must be consistent with the organisation objectives, core values and principles.

Finally, in light of the global nature of the organisation, it should be noted that the provisions would be applicable to all in the spirit of satisfying and providing employee rights to all, not because of the nationality, but predicated on the concept that all employees are human beings, and these rights are inalienable to them not because of their nationality, but because they are simply human beings. However, when it comes to application in foreign localities, the same would be implemented and developed in consonance to the body of law that defines and dictates the legal regime at the domestic level in the respective countries. For instance, in applying the laws against discrimination in China, the organisation must be cognizant of the Chinese Constitution on the Bill of Rights.

In conclusion, therefore, these employment laws should be admitted and entertained in as far as they promote the rights and freedoms of the employees in the organisation. In applying them, the employees must be cognizant of the requirements and the overall legal practise that for every right conferred one, there exists a duty expected of them.

## **References**

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