

Employment laws and hrm strategy research paper examples

[Business](#), [Management](#)



Employment laws on seasonal employees: description of the scenario

This paper seeks to apply employment laws to a human resource management strategy or problem. Companies may sometimes have the need for seasonal employees especially those from another country. The need for seasonal employees may be as result of increased work load at a specific time and period. Depending with the industry in which a business falls, there would be seasonal industry fluctuations. In most states, including DC, part time or seasonal employees than 35 hours in a week compared to the 40 hours of full time employees. Large retail chains make use of seasonal employees especially during the festive season, Christmas. The companies would hire a huge number of seasonal employees some who may be from foreign countries to account for the huge demand on shopping during the particular season.

It is sometime difficult to find employees who are dependable and reliable within the local pool. This would prompt employers to look for seasonal employees within other countries. Some companies have managed to meet this need by hiring foreign workers on temporary basis. The main problem with hiring foreign workers for producers in DC is affordability of the labor and the legal issues that have to be observed in the course of work relationship. There are several options that companies have when it comes to hiring foreign workers. Companies dealing in agricultural produce would hire foreign workers using seasonal or temporary visas. For instance, the Citizenship and Immigration Services and the US department of labor run a program known as the Temporary Agricultural Worker visa programs which

allows skillful foreigner to work in the US on seasonal basis.

The visa is usually valid for a maximum period of three years where the holder will be required to work in an agricultural employment for the stated period without any interruption. The employee must meet these requirements and therefore he or she must be able to line up seasonal opportunities to work in an agricultural employment for the three year period. After which the employee will be required to leave the country.

However, sometimes the employer may seem to appreciate the services of the foreign worker to the extent that they petition for citizenship . This can be made possible however the process is very expensive and long. It also requires that the worker still remains outside US for the time period that the immigration visa is processed .

The employment laws that affect the issue of seasonal employees from foreign countries and as well citizen workers focus on the issue of civil rights, holidays, minimum wages, pay day requirements, verification, identity, and legal permits to work with the state of DC. When making recruitments and hiring of foreign employees, human resource managers have to be careful and take note of all the legal issues involved. The hiring must be done legally in order to avoid having trouble with the state government or the federal government . Sometimes, the law may require that foreigners who are in a country legally not be authorized to work until they meet certain requirements. If an employer chooses to ignore such employments laws, heavy penalties and fines may be imposed on them.

Work permits can give non citizens an opportunity to work in the country and in a particular state depending on the laws governing the state. At the same

time, employees may be limited to work for a company because of the duration indicated in the visas. Every employer is required to sign for the eligibility of every employee. This law applies to both the citizen employees and non citizen employees. Therefore, if a company wishes to employ seasonal employees from foreign countries, they have to sign up for their eligibility in the US and in particular in the District of Columbia . The employees usually have only 3 day, beginning from the date of appointment, to submit documentation of authorization to work in DC and personal identification. However, the employer may not be required to ask for these documents until the appointment is made. The immigration department has a list of documents that the employer may be required to see in order to verify the legal status of the foreign employee.

Basically the rules suggest that all employees have to be treated in the same manner regardless of their country of origin or race. Even during the verification process, equality has to be upheld . This means that employers may be faced be faced with the risk of discrimination when verifying employees legality. Once the employees submit documentation of their legal status to work in the US, the employer keeps the documents for a period of at least one year . Sometimes, they may be required to keep the documents for even up to three years from the time of employment. The reason behind keeping the documents for the stated period is because, immigration authorities may do snap audits at any time and these are the records that they require employers to produce. Fines and criminal penalties are the consequences of any non compliance by the employer.

Plan to manage the situation

The human resource department would always find it challenging to manage the situation of seasonal workers especially taking into account the legal issues involved. It therefore requires that the human resource department be aware of every issue that may arise when dealing with part time staff members who may not be necessarily citizens of the country. At the same time, the HR department has to be fully aware of the all issues involved when dealing with seasonal workers in general . There is need for a plan to assist HR to properly handle the situation. There are areas where the HR department has to be constantly sensitive to. As a result the HR will be able to manage the situation of seasonal workers smoothly.

The first sensitive area is on sexual harassment. The human resource department has to constantly work to prevent any slight form of sexual harassment. This must be kept a priority at all times since the employees' right is to be observed. Therefore the human resource people have to be strict on clothing and conduct of the employees. Basically, foreign workers may be exposed to different working conditions compared to the one exposed in the state of DC. It would be hard for them to make fair judgments when it comes to dressing for work. Therefore the company must have a dress code policy that makes it clear for all the employees on the acceptable dressing. It may not be prudent for the human resource to make as assumption that employees can utilize their better judgment to dress properly. Within the dress code policy, the consequences of violation should be clearly stated so that the employees are aware of what will happen when they dress inappropriately.

Seasonal employees may also include teenagers. This is a group that is extremely vulnerable to sexual harassment . This is because of their age and lack of experience. Teenagers or minors may fail to report any issue regarding harassment because they feel that they do have the right to raise a complaint. The human resource department has to ensure that all the foreign and local employees working on seasonal terms must be made aware of their rights.

The other important issue that the human resource people have to take into serious consideration is planning ahead for the need of seasonal foreign workers. This will help solve the problems relating to verification of legal requirements for working in the state of DC . If for example a company chooses to rely on the worker visa program, the human resource department can make applications for foreign workers early enough to assist in preparation of the required documents .

The personnel manager looks at how the company has previously recruited employees and how they previously had demand for workers. Based on the figures, the managers can come up with a forecast of human resource demands . If the organization intends to increase the volume of its sales by a certain percentage, then it will have to consider issues such as the number of additional sales people it will require to achieve the increase in sales volume. After determining the number of positions available through the forecasting, the organization needs to decide whether or not to staff the open position from within the organization.

Justification of the approach

Human resource management is a field that is shaped and influenced by employment laws, both from the federal government and the state governments. All the aspects of HRM are governed and regulated by laws . For instance, hiring, compensation, development, and recruitment are regulated and controlled by the law. The plan mentioned above is therefore justified by this fact. Without being sensitive to laws of human resource management, a company can find themselves having to make huge payments in form of fines and penalties. In order for human resource best practices to yield any significant fruit they have to be based on fairness practice .

Gaining competitive advantage through human resource practices that meet employment laws

Best practices in human resource management can be viewed as a tool for competitive advantage. All the activities done in human resource management are aimed at ensuring the organization meet their goals. It is part of the strategy organization may use to be able to achieve their goals . Managing people properly has been established to be proportional to high employee morale and motivated employees. In many organizations, the welfare and performance of employees have to be managed. The people responsible for managing employees are met with the task of coming up with policies and program that affect the employees and anyone else associated with that particular organization.

The need for people management is because employees are resources that can be used along with other non human resources to produce goods and

services . When resources are managed in a proper manner it makes a significant difference to organizational performance. The work of managing people in work places starts with the process of staffing. The personnel manager has to ensure that the positions within the organization are filled with people having the right skills for each of the positions. Therefore during the interview process, the personnel manager has to thoroughly screen all the applicants and ensure that the best and highly skilled get the position.

Speculations of the consequences of violating employment laws

Without being sensitive to laws of human resource management, a company can find themselves having to make huge payments in form of fines and penalties . Immigration authorities may do snap audits at any time and these are the records that they require employers to produce. Fines and criminal penalties are therefore consequences of any non compliance by the employer. In addition, a company may fail to perform fair practice in human resource management leading to the company losing its competitive advantage. As mentioned earlier, human resource management is a strategic tool for competitive advantage.

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