

Example of government regulations essay

[Business](#), [Company](#)



Human Resources Task 1

After detailed research, it has become clear that there was a positive release of the employee in question. Baxter and Farrell (1981) clarified that while no release actually takes place, the situation encircling an employee's choice to leave is inspected by the courts. They point out: " If the decision to quit is forced on the employee, the courts will deem it a constructive discharge and will treat the employee as if he or she had been explicitly and directly discharged."

Although the business did not deliver a close of employment letter to the employee, the situation that resulted in the employee's resignation was implementing the business's new policy that instructed the employee to be at work during a religious holy day, rather than working on Monday to Friday, as was the previous policy. Additionally, as with *Mac's Shell Service, Inc. vs. Shell Oil Products Co.*, Kry (2010) says, " if a supervisor makes working conditions so oppressive that an employee is forced to quit, the employee may have a claim for constructive discharge." In this case, the close of employment is beneficial; the employee resigned from his work as he was required to work shifts of 12-hour shifts on a four day on, four day off rota. Clearly, the working days for this employee could fall on any days of the seven day week. The new policy of working over a seven day week was unfair to the employee and this led him or her to end their job.

Furthermore, the Title VII of the Civil Rights Act of 1964 forbids not only deliberate discrimination, but likewise actions that lead to discrimination against persons because of colour, race, religion, national origin, or sex. It necessitates employers and employees in establishments to acquire a sound

knowledge and awareness of the Equal Employment Opportunity (EEO) (Turco, 1997). While this scenario does not specify the employee's race, it does affirm that the revised work rota entails employees working on holy day. Additionally, allocating specific employees as office staff and asking them to work Monday through Friday from 8. 00 a. m. to 5. 00 p. m. whereas the production employees are instructed to work the revised schedule, might be deemed as unequal as, previously, all employees worked according to the same schedule. Section 703 of Title VII resists separation as well as categorizing employees so that some work circumstances favour some people more than they do others.

In answer, the organisation ought to discuss with the employee to settle on rational compensation so as to lessen legal expenses as well as to maintain and safeguard the company's concern and standing. This recommendation is founded on the court's conclusion in the case of Pennsylvania State Police vs. Suders, 542 US at 129 (2004) where it was concluded that the complainant is eligible to all compensations offered for formal discharge, post resignation compensation, counting both back pay and, where appropriate, front pay. A comparable case with a matching company response is Brooms vs. Regal Tube Co., 88 F. 2d (1989). In this case, Regal Tube Company awarded Helen Brooms, the complainant, back pay as an reasonable solution. Consequently, to sidestep a recurrence or a matching charge against the organisation, it is vital that the organisation start and apply policies and principles in line with the Title VII of the Civil Rights Acts of 1964. Section 706 of Title VII lists some guidelines offered to avoid illegal employment practices. This section advises that the organisation must

attempt to eradicate any illegal employment practice by natural methods of conference, pacification, and persuading; which in this scenario, no such steps were taken (Public Law, 2009). The U. S. Equal Employment Opportunity Commission (December, 2011) also endorses that back pay, reinstatement, front pay, and judicious accommodation are examples of solutions for employment discrimination. Fried and Fottler (2008) stress that it is vital for laws, principles, and policies to be fulfilled. They argue that the establishment's " human resources systems, including job design, employee selection and performance appraisal, comply with Equal Employment Opportunity requirements." Furthermore, the establishment ought to instigate a structure where employees can put forward any grievances. Efficient application of such structures will provide the business with an opportunity to rectify problems before they grow into court proceedings. It should likewise launch and adhere to the company policies concerning communication with employees on subjects for example performance and disciplinary procedures. It should not, however, announce alterations on conditions of employment with the aim of prompting employees to resign, as this is likely to impact adversely on the spirits of supervisors. Gerencher (1999) claims a company must adhere its normal procedure for dismissing employees. A formal letter of resignation has to be given by an employee who wishes to resign. Exit interviews are beneficial in providing the employer with an opportunity to solve any disagreements and eradicate any negative feelings (Fried and Fottler, 2008).

Adhering to the suggested legal advice is likely to not only decrease legal

expenses, but will also safeguard the organization, and result in advancing employee morale.

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