

Labor laws: history of development and case study



Labor Laws

Abstract

This paper is going to first discuss how the labor movement started and the history behind why labor laws came into place. Labor laws cover a variety of different topics but all involve protecting the employee in the workplace from wrongful or unfair acts. Later in this paper three common labor laws will be discussed, along with how a well known organization utilizes them, and what the company does to make sure these laws are in place for its employees. Lastly, this paper will conclude with a short case study review about a fast food restaurant that violated the child labor laws, and ultimately emphasizes the importance of why there are labor laws enforced in the workplace.

Labor Laws

The history of the labor movement goes back to the 1800s when many issues were arising around unions, but it wasn't until 1959 when the Labor Management Reporting and Disclosure Act was enacted that union members started having certain rights protected (Fazzi, 2004). This labor movement initially started with private unions, but later in 1978 Congress also allowed public employee unions to be protected (Fazzi, 2004). Ultimately, labor laws were enacted in order to protect both the employees and the employers. According to Gold (2014), the term labor law only refers to unions and private employers while the term employment law refers to the additional topics such as unemployment insurance, sex discrimination, health and safety while on the job, and minimum wage. Regardless, the Labor Act was put into place to help protect workers from unfair labor practices and to give

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workers the opportunity to participate in collective bargaining with their employers (Gold, 2014).

Labor laws also exist to cover additional topics such as harassment while on the job, employment background checks, the family and medical leave act, labor unions, overtime, misclassification, unsafe workplace complaints and conditions, workers' compensation, youth labor laws, and wrongful discharge or termination of employment (Labor Laws and Issues, n. d.). In the absence of labor laws, employees would not be protected from wrongful acts, and they could easily be fired, harassed, or discriminated against without having the opportunity to take any legal action. In the United States, all states have a different set of labor laws but are all very similar. Outside of the United States, other countries may have additional labor laws in place to protect employees or may have less, or none at all. According to the U. S. Department of Labor website (n. d.), there are more than 180 federal laws that are enforced, and about 10 million employer and 125 million worker activities are monitored. Ultimately, this is important to be aware of because it provides evidence that activities and employers are being monitored due to the labor laws that currently exist, which can provide comfort to many people.

Target Corporation and Labor Laws

Target Corporation is just one organization that enforces labor laws for its employees. The organization as a whole has each of the labor laws listed on its website for customers and employees to view at their leisure. For the purpose of this paper, only three of the many common labor laws will be

discussed: wage and hours, discrimination, and child labor. Each of these labor laws will be discussed more in depth, and an overview of how Target Corporation enforces them.

Wage and Hours

Wage and hour laws began back in the 1800s and have continued to gradually change throughout the years like many of the other labor laws. Between 1880 and 1920 specifically, many activists fought for certain inspection and factory laws to be passed, and other labor regulations such as there being a maximum and minimum amount of hours and wages an employee could work and/or earn (Figart, 2004). During the 1930s and the Great Depression, many men were unable to make enough of a living wage to support their families, which led to many women taking jobs to assist financially. Women in the workplace was a new concept at the time, so the fact that women were taking jobs to help financially proved how problematic wages were, and how difficult it was for one person to make a living for the entire family. Also during this time, there were no wage or hour regulations, but thankfully it wasn't too long before the Fair Labor Standards Act was enacted in 1938. This Act initially only protected certain groups, but has since expanded and the importance of an hourly wage has become more understood. For example, in the 1990s many activists in the United States urged their city government to look into this issue of low-wage jobs and come up with a strategy on how to address this problem (International, 2012). In Baltimore, Maryland, the city government decided to ratify a "living wage ordinance" which required companies to pay employees a living wage, and it wasn't long before more than 140 cities, universities, and <https://assignbuster.com/labor-laws-history-of-development-and-case-study/>

countries passed living wage ordinances as well (International, 2012). Many organizations were not satisfied with this ordinance, but others were pleased with the outcome.

As a company, Target Corporation has taken the United States history and knowledge of hourly wages, and has incorporated this labor law into its own company. Earning an hourly wage that will allow an employee to live is important to Target Corporation; especially in states such as California or New York where the price of living has sky rocketed in recent years. The company takes things a step further by conducting internal audits to make sure its employees are paid the legal wages they are supposed to be receiving for the amount of hours they worked, whether it be regular pay, overtime, holiday, or vacation wages (Labor & Human Rights Policies, n. d.). Upon hiring employees, the company discusses the hourly or salary wages and continues to make sure that employees understand their tax deductions and benefits. This gives the employee the opportunity to ask questions, the employer to answer the questions, as well as provides the employer with the opportunity to conduct more research into wages or benefits if prompted.

Target Corporation does allow certain employees to work up to 60 hours a week, which does include overtime, but a typical full-time schedule would be 40 hours a week (Labor & Human Rights Policies, n. d.). In addition to these hours, the company allows employees to work for 6 consecutive work days and then provides them with one full day off (Labor & Human Rights Policies, n. d.). Target Corporation is open 7 days a week, so many of its employees do work varying days and hours, so while some may work 3 days on and

then have 2 days off, this law was put into place to ensure the employee would have a day of rest in the event they work 6 straight days.

According to the U. S. Department of Labor (2008), there are many different hourly laws for an organization to be aware of, such as waiting times, on-call times, rest and meal periods, sleeping times, meetings and trainings, travel times, and even home to work traveling time. While many of these hourly labor laws are similar in many states, each state does vary in what is protected. According to Target Corporation's labor law section on its website, the company has had problems with employees working more hours than they legally should to make higher wages, but these employees are not always being paid the legal amount of wages for those regular hours that are worked (Labor & Human Rights Policies, n. d.). Due to this, the company has had to turn people down who wanted to work over the initial 40 hours a week due to the wage and hour labor laws. It is the responsibility to the company to monitor employees work hours and ensure they are getting paid the proper wages.

Discrimination

It's no surprise to anyone that discrimination labor laws were put into place due to the history of the United States. With racism and discriminatory acts taking place all over the country and in the workplace, President Johnson enacted the Civil Rights Act in 1964 which prohibited discrimination in the workplace due to national origin, color, sex, race, or religion (Gregory, 2014). Another important law that was adopted shortly after the Civil Rights Act, was the Age Discrimination in Employment Act in 1967 which aimed at

preventing age discrimination in the workplace (Gregory, 2014). To this day discrimination of all kinds still exists, but thankfully these laws are in place to protect and reward employees who might have to take legal action against an organization.

According to Martin (2006), an example of discrimination would be unfair treatment due to a person's sex, race, or ethnic background, and can sometimes be subtle and not as obvious to others. Discrimination labor laws cover many individuals from contractors, agency workers, employees, job applicants, and even previous employees (Discrimination in the Workplace, 2016). If discrimination is occurring it can lead to many issues, such as bad team morale, low self-esteem, poor communication, and lack of enthusiasm in the workplace for employers, employees, and other co-workers. Employers face the biggest threat of all because if they are accused of a discriminatory act, it can hurt their reputation as an employer, and the company's reputation as a whole. To go a step further, employers may even face legal action if their employees have been participating discriminatory conduct (Discrimination in the Workplace, 2016). This is why many organizations will have discussions and trainings on harassment and discrimination upon hiring new employees to ensure they understand and agree to the company rules regarding these topics. Martin (2006) discusses that many managers do take action if they become aware of any sort of discrimination occurring in their organization and make an effort to put new employees through trainings to prevent discrimination.

As an example of this, Target Corporation takes discrimination very seriously and does all that it can respect cultural and individual differences (Labor & <https://assignbuster.com/labor-laws-history-of-development-and-case-study/>

Human Rights Policies, n. d.). The company solely looks at a potential employee's ability to complete the necessary tasks rather than focusing on their religion, gender identity, disability, or race (Labor & Human Rights Policies, n. d.). The company also has no tolerance for discrimination, and makes that very clear in the trainings that are provided to new employees. This labor law, like many others, is in place to help protect employees from wrongful and unfair acts in the workplace. Target Corporation's efforts to prevent discrimination in the workplace, along with the discrimination labor laws in place, all help to provide a positive working environment for employees and employers.

Child Labor

In 1938 the Fair Labor Standards Act also enforced child labor laws in order to protect under aged children from working in hazardous environments, missing out on the opportunity to participate in education programs, and ensuring the type of work a child is doing is safe (United States Department of Labor, 2008). To this day, children in other countries are working in unhealthy environments where they are working long hours and missing out on educational opportunities. According to the International Finance Corporation (2002), children who are exposed to harmful working environments with the absence of education can cause children to suffer with their development and even have an effect on society. Organizations who are considering hiring should attempt to only hire employees who are over the age of 18. However, on occasion an organization may make the exception and allow an under aged employee to work with the company. When this happens, the company must follow the child labor laws and

prevent the child from being put into a dangerous or harmful situation while on the job, as well as making sure work is not interfering with educational programs (International Finance Corporation, 2002).

Target Corporation takes child labor very seriously and even states in its labor laws section that the company has a specific audit process it goes through to ensure no under aged employees are hired (Labor & Human Rights Policies, n. d.). This auditing process is a way to protect children and to protect the company as a whole. Target takes child labor laws to heart because the company has a good reputation with its customers and it wouldn't want to do anything that would damage this relationship. In addition to Target Corporation running audits on potential employees, the company also conducts external audits for its vendors to prevent ordering and using merchandise that may have been made by underage employees (Labor & Human Rights Policies, n. d.). This external and internal audit that Target Corporation conducts prevents the company from having to face legal action. The advancement of technology has allowed companies such as Target Corporation to conduct internal and external audits to ensure the labor laws are being obeyed, which may have previously been difficult to monitor.

Case Study

After learning more about the history of labor laws, why they exist, and three major ones that Target Corporation focuses on, it's time to take a closer look at a company that has violated one of these labor laws. Burger King is a well known fast food burger place that many individuals go to enjoy a nice meal.

Like any other business, Burger King is bound to enforce child labor laws and abide by them. However, between January and May of 2017 the Attorney General cited the company for violating over 843 child labor laws by having minors working without a valid work permit, working longer shifts than they legally should, and working too late into the night (Harris, 2017). Due to the company's violation of child labor laws, the company ended up paying a \$250, 000 fine, and has since updated its practices in order to be in compliance to operate business (Harris, 2017). This is only one instance of how labor laws play a huge role in protecting employees and making sure they are treated fairly. In this case, the minors were not being treated properly, but thankfully the company didn't get away with it due to the child labor laws that are in place.

Conclusion

The Civil Rights Act was one of the biggest turning points in the United States history when it comes to labor laws. This Act provided the country with a new way of not only treating employees better, but also people in general. The protection it provided for employees in the workplace was new in the mid 1960s, but has since become more common. However, the country and some workplaces still struggle with discrimination, but thankfully labor laws are there to protect those individuals who might be the victim of discrimination. Labor laws have been in place since the early 1800s and have continued to evolve along with society, and the demands of the workplace. Overall, these laws exist to help protect employees from wrongful acts by their employers, but also to supply a foundation for employers to provide a positive working environment for their employees. As described, <https://assignbuster.com/labor-laws-history-of-development-and-case-study/>

Target Corporation is a great example of a company that emphasizes the importance of these labor laws and really works hard to ensure that employees are treated fairly, and that it's a welcoming place to work. There will always be struggles in the workplace, no matter the organization, but thankfully there is protection in the event there is an unfortunate situation that occurs.

References

- Discrimination in the Workplace. (2016, October). *Credit Management* , 34. Retrieved from <https://search-proquest-com.ezproxy1.apus.edu/docview/1828657355?accountid=8289>
- Fazzi, C. (2004). All you need to know about the history of labor union law. *Dispute Resolution Journal*, 59 (2), 87-89. Retrieved from <https://search-proquest-com.ezproxy1.apus.edu/docview/198014875?accountid=8289>
- Figart, D. M. (2004). *Living Wage Movements: Global Perspectives* . Retrieved from <https://ebookcentral-proquest-com.ezproxy1.apus.edu>
- Gregory, R. F. (2014). *The Civil Rights Act and the Battle to End Workplace Discrimination: A 50 Year History* . Retrieved from <https://ebookcentral-proquest-com.ezproxy1.apus.edu>
- Gold, M. E. (2014). *An Introduction to Labor Law* . Retrieved from <https://ebookcentral-proquest-com.ezproxy2.apus.edu>
- Harris, D. L. (2017, December 19). Burger King franchisee fines for violating child labor laws in Mass. Retrieved from <https://www.>

bizjournals.com/boston/news/2017/12/19/burger-king-franchisee-fined-for-violating-child.html

- International Finance Corporation. (2002). Addressing Child Labor in the Workplace and Supply Chain. International Finance Corporation, Washington, D. C.
- International, L. O. (2012). *International Journal of Labour Research: Social Justice and Growth: The Role of the Minimum Wage* . Retrieved from <https://ebookcentral-proquest-com.ezproxy2.apus.edu>
- Labor & Human Rights Policies. (n. d.). Retrieved from <https://corporate.target.com/corporate-responsibility/responsible-sourcing/social-compliance/labor-and-human-rights>
- Labor Laws and Issues. (n. d.). Retrieved from <https://www.usa.gov/labor-laws>
- Martin, D. (2006). *Discrimination Law and Employment Issues* . Retrieved from <https://ebookcentral-proquest-com.ezproxy1.apus.edu>
- Summary of the Major Laws of the Department of Labor. (n. d.). Retrieved from <https://www.dol.gov/general/aboutdol/majorlaws>
- United States Department of Labor. (2008, July). Retrieved from <https://www.dol.gov/whd/regs/compliance/whdfs22.htm>