

Carter cleaning co. case study



Carter Cleaning Company and Equal Rights Legislation Ron Steele XYZ Carter Cleaning Company and Equal Rights Laws Q: Is it true, as Jack Carter claims, that “ we can’t be accused of being discriminatory because we hire mostly women and minorities anyway”?

Jack Carter’s claim that his company cannot be accused of being discriminatory because they hire mostly women and minorities is not an accurate statement. Any group or class of individuals could claim a discriminatory bias regardless of their race or gender. In fact, as the U. S. Equal Employment Opportunity Commission (2009) points out, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin (U. S. Equal Employment Opportunity Commission, 2009). Discrimination can happen against men as well as non-minorities.

The article goes on to state that discriminatory practices could include employment decisions that are based on certain stereotypes regarding the work ability of males versus females or even in regards different ethnic groups (U. S. Equal Employment Opportunity Commission, 2009). Hence, a defense that women and minorities make up most of the company’s employees would be no solid defense at all. The company could be alleged to be restricting their hiring to women and minorities based on pre conceived assumptions about how women or minorities perform work as compared to males or non-minorities. The company could also be accused of having a misguided perception that women and minorities would be less demanding in the amount of compensation required, and hence given preferential treatment in hiring over males or non-minorities with the same qualifications.

In the latter case, the Equal Pay Act could be applicable, and this law applies to all employers regardless of the size of the company or number of employees it has employed (Small Business Notes, 2009). The Equal Pay Act prevents discrimination based on sex where essentially the same job duties are performed (Small Business Notes, 2009).

In addition, during employment interviews, only minorities were asked about arrest records and credit history. Also, only women were asked questions regarding childcare. The questions themselves are illegal for Carter Cleaners to ask of any applicant, but also indicates racial and sex discrimination which are in violation of Title VII of The Civil Rights Act of 1964 (U. S. Equal Employment Opportunity Commission, 2009).

Q: How should Jennifer and her company address the sexual harassment charges and problems?

According to the U. S. Equal Employment Opportunity Commission (2010), it is not lawful to harass an individual, applicant, or employee because of the person's sex. This includes unwelcome sexual advances, requests for sexual favors, or other harassment of a sexual nature (U. S. Equal Employment Opportunity Commission, 2010).

An article by Bresler & Thacker (1993) present steps needed to resolve sexual harassment issues in the workplace. They point to four critical areas: (1) a clear and detailed policy that states the company's position on sexual harassment; (2) a formal complaint process where employees do not feel threatened to come forth with harassment concerns; (3) a strategy of investigation that protects the privacy of the alleged victim along with the alleged perpetrator; and (4) ongoing management training and employee awareness training, which reinforces the company's position against sexual

harassing behaviors (Bresler & Thacker, 1993).

The first step of presenting a clear and detailed policy on Carter Company's position with sexual harassment should be reviewed by a Human Resources professional or attorney for completeness and accuracy. The second step of having a formal complaint process in place is a critical step given the small size of the company. Bresler & Thacker (1993) mention that if the management chain inside the company is used, then an alternate party outside the line of operations management should be utilized as a resource for employees to use. This is to ensure that issues are properly addressed, and also gives employees an alternate party to provide a grievance to in case a direct supervisor is an alleged perpetrator (Bresler & Thacker, 1993). In the case of Carson Cleaner's, an independent HR professional or attorney may be able to be utilized for this purpose, assuming the company does not have their own Human Resources Department.

The third step involves an investigation performed by either Human Resources or a designated outside professional as mentioned above. There should be appropriate and clear policies in place including potential termination of a perpetrator if the evidence warrants such an action (Bresler & Thacker, 1993). The final step is ongoing and regular awareness and education for both supervisors and employees, including a review of the company's policies and procedures to handle sexual harassment complaints.

Q: Given the fact that each of its stores has only a handful of employees, is the company covered by equal rights regulation?

The answer to this question would depend to some extent on the number of employees that the company has. The exception to this rule is the Equal Pay

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Act (Small Business Notes, 2009). The Equal Pay Act applies to all employers regardless of number of employees or the size of the company. It prohibits discrimination on the basis of sex where the job requires similar skill, effort, and responsibility (Small Business Notes, 2009).

The incident of sexual harassment falls under Title VII of the Civil Rights Act of 1964. It prohibits discrimination based on race, color, religion, sex, and national origin along with any harassment in these areas. It applies to all employers with 15 or more employees (U. S. Equal Employment Opportunity Commission, 2010). As a result, Carter Cleaners may or may not be affected by this law. To be legally binding, Carter Cleaners would have to have at least 15 employees.

The incident of the older gentleman being paid less than younger employees would fall under the Age Discrimination in Employment Act of 1967 (Small Business Notes, 2009). This Act does not allow individuals 40 years of age or older to be discriminated against as far as hiring, compensation, or in conditions and privileges of employment. However, this federal law applies only to employers with 20 or more employees (Small Business Notes, 2009). Hence, the Age Discrimination in Employment Act of 1967 could only be enforced if Carter Cleaners has at least 20 employees.

Another piece of equal rights legislation that would be important is Title I of the Americans with Disabilities Act of 1990 (Small Business Notes, 2009). It prohibits discrimination against qualified individuals with disabilities. It is legally binding for all companies with 15 or more employees (Small Business Notes, 2009).

Q: And finally, aside from the specific problems, what other personnel management matters (application forms, training, and so on) have to be

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reviewed given the need to bring them into compliance with equal rights laws?

To bring the company in compliance with equal rights laws, a needed first step would be to have formal education for the managers on the various federal and state laws applicable to them. Even if a practice does not fall under a particular law, any employee can bring a lawsuit that could cost the employer a great deal of harm both monetary wise and reputation wise. All Business (2010) mentions that creating a Human Resources policy manual would be a good idea for any size business. The manual could state what the firm's HR management practices and procedures are. The article states that training managers' awareness, along with giving awareness for each employee is important so all associated with the company can be in harmony with how the company views equal rights laws and general company personnel policies (All Business, 2010).

The manual should include various items such as personnel conduct, attendance, disciplinary procedures, and handling of sexual and other unwanted forms of conduct. Training for managers should also specifically target pre-employment problem areas such as illegal interview questions and the resulting problems and potential consequences for asking those types of questions. (Personnel Policy Service, Inc., 2010).

FindLaw (2010) lists a sample Equal Employment Opportunity Compliance Program. A key item mentioned is how management desires to be an EEO on a volunteer basis. This fact should be disclosed on application forms as well. In the handbook that employees would be given, it would address all the issues that Carter Cleaner's management is now having a difficult time adhering to. In this manner, both managers and employees are aware of

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expectations and how a formal resolution process would operate. Posters highlighting key issues should also be visible and in place on bulletin boards or break room areas (FindLaw 2010).

References

All Business (2010). Developing an Effective HR Compliance Program, 1-3
<http://www.allbusiness.com/human-resources/workplace-health-safety/979-1.html> Web.

accessed 15 September 2010.

Bresler, S. & Thacker, R. (1993). Four-point plan Helps Solve Harassment Problems: Sexual

Harassment in the Workplace. HR Magazine, 1-4.

http://findarticles.com/p/articles/mi_m3495/is_n5_v38/ai_14108568/ Web.

accessed 15

September 2010.

Equal Employment Opportunity Commission. (2010). Small Employers on Employer Liability

for Harassment by Supervisors, 1-2. <http://www.eeoc.gov/policy/docs/harassment-facts.html>

Web. Accessed 15 September 2010.

Web. Accessed 15 September 2010.

Find Law (2010). Sample EEO Compliance Statement and Plan, 1-4.

<http://smallbusiness.findlaw.com/business-forms-contracts/business-forms-contracts-a-to>

[z/form2-5.html](http://smallbusiness.findlaw.com/business-forms-contracts/business-forms-contracts-a-to-z/form2-5.html) Web. accessed 15 September 2010.

Personnel Policy Service (2010). Employer's Quick Guide to HR Laws, 1-2.

http://www.ppspublishers.com/articles/written_policies.htm Web. accessed 15 September

<https://assignbuster.com/carter-cleaning-co-case-study/>

2010.

Small Business Notes. (2009). Labor Laws Governing Employers, 1-2.

<http://www.smallbusinessnotes.com/operating/legal/laborlaws.html> Web.

accessed 15

September 2010.

U. S. Equal Employment Opportunity Commission. (2010). Sexual

Harassment, 1-2.

http://www.eeoc.gov/laws/types/sexual_harassment.cfm Web. accessed 15

September

2010.