

# Summarize employment, labor, and anti- discrimination law

[Law](#)



Employment discrimination Affiliation: Employment discrimination

Introduction Every employee or job seeker always anticipates working in an environment conducive for his advancement and general satisfaction in the profession. However this dream is not always realized as fellow employees and/or employers of these people usually possess a character which can best be referred to as discriminative. Many jurisdictions in this regard have come up with regimes of laws to protect these vulnerable groups in terms of employment, labor and anti- discrimination laws. “ Employment discrimination law refers to those laws that protect employees from discrimination on the basis of age, sex, race, disability, religion or various other reasons. It’s a less favorable treatment, direct or indirect, on grounds of color, race, nationality, ethnic or national origin” (Whincup, 1998).

Sam in the above case appears to be a casualty of such discrimination. In this discussion it will be important to recognize the elements of the alleged offence as well as the liability of the parties with special regard on the applicable regimes of law.

Elements of the offence

Four basic elements must be proved before a party is said to have occasioned employment discrimination;

i “ The complainant must fall within the class protected by law” (Emerson, 2009). For instance, the International Covenant on Civil and Political Rights prohibits discrimination on the basis of sex, religion, race, language, political or other opinion, origin, color, property, birth or other status. In this regard, Sam falls within groups of persons discriminated on the basis of race and/or color.

ii The party must have suffered as a result of such discrimination. In this case Sam could not secure a promotion despite the fact that he possessed the requisite qualification. The complainant must suffer a disparate impact. “ A disparate impact results from certain employer practices or procedures that though not discriminatory on their face, have a discriminatory effect” (Miller, 2011).

iii A party must also establish that there is a connection between the protected status and the suffering occasioned. This can be ascertained from the words used by the interviewer that Sam did not receive the promotion because the interviewer thought whites are lazy. This is a generalized discriminatory opinion.

iv The party who has suffered must also prove that another party with either similar or lower qualifications was favored at his expense. It’s most likely that the interviewer gave the promotion opportunity to another person who according to him was not lazy.

From this discussion, it is noteworthy that the employer is liable since in any company, an interviewer to any job position in the company is a duly authorized agent and hence able to affect the legal relationship between the company and third parties.

### Conclusion

Having proved all these elements, Sam can establish a case with probable chances of success for employment discrimination against the interviewer and/or the employer. “ Potential suffering would be given weight by the decision makers” (Miller, 2011). The whole employment in this particular case was discriminatory and unfair.

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