

Human resources task 1

Business, Human Resources



Task #1 – JDT2 Memo to CEO To CEO: As you may be aware, the company is currently facing a lawsuit brought about by a former employee, Mr. X. He is claiming that under the Civil Rights Act of 1964, Title VII he has been a victim of “constructive discharge” since we have changed the company’s working schedule policy to a four day rotational shift. Constructive discharge or forcing an employee to resign by making the work environment so intolerable a reasonable person would not be able to stay (Equal Employment Opportunity Commission, 2012) is illegal according to U. S. law. Mr. X states that since we have gone to the four day rotational schedule, his religious beliefs are being infringed upon since he would have to work on his religious “holy day”. According to U. S. law, the company does have an obligation to accommodate Mr. X’s request. The law requires an employer to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause difficulty or expense for the employer. (EEOC, 2012).

I would like to make the following recommendations regarding this situation. First, deny any wrong doing based upon the following:

1. Mr. X neglected to notify anyone within the company of his religious status, in other words he did not establish one of the key components of prima facie (Leagle, n. d.). Had Mr. X made the company aware of his religious beliefs, it might have been possible to make allowable accommodations for him.
2. Mr. X was not subjected to intolerable conditions during his employment, which is also another component. A constructive discharge occurs when a person quits his or her job under circumstances in which a reasonable person would feel that the

conditions of employment have become intolerable. (Liebert Cassidy Whitmore, 2002).

3. If the Mr. X was unable to agree to the reasonable accommodations put forth by the company, then the company would sustain “ undue hardship” (Justia, 1982) by requiring the added expense and time to hire a temporary employee to cover Mr. X’s shift.

Secondly, to avoid any legal issues around Title VII or the Civil Rights Act of 1964 I recommend implementing a “ best practices” policy. According to the Society for Human Resource Management, “ Employers should adopt “ best practices” to reduce the likelihood of discrimination and to address impediments to equal employment opportunity. ” (Society for Human Resource Management, 2011). Possible practices to be implemented could include written criteria for hiring, standardized questioning, proper record keeping, management training, publicized anti-harassment policy, allowing non-disruptive religious expression and proactively intervening in possible conflict. (EEOC, 2012).

References

Prohibited Employment Policies/Practices. Retrieved from <http://www.eeoc.gov/laws/practices/index.cfm> EEOC. (2012).

Best Practices for Eradicating Religious Discrimination in the Workplace http://www.eeoc.gov/policy/docs/best_practices_religion.html Leagle. (n.d.) Jerrold S. HELLER v. EBB AUTO CO. Retrieved from http://www.leagle.com/xmlResult.aspx?xmlDoc=19891863774P2d1089_11857.xml ml=CSLWAR2-1986-2006

Liebert Cassidy Whitmore. (2002, August 10). Court Concludes There Was No Constructive Discharge Due to Religious Beliefs. Retrieved from <http://lcwlegal.com/64957> Justia. (1982, March 22). Marvin Brenner v. DiagnosticCenter Hospital. Retrieved from <http://law.justia.com/cases/federal/appellate-courts/F2/671/141/442160/##>

Society for Human Resource Management. (2012) Title VII of the Civil Rights Act of 1964. EEOC Retrieved from <http://www.shrm.org/LegalIssues/FederalResources/FederalStatutesRegulationsandGuidanc/Pages/TitleVIIoftheCivilRightsActof1964.aspx>