

Adverse impact and business necessity



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Part one In the work of Landy (2005), adverse impact refers to any form triggers that work to the disadvantage of other persons. The disadvantaged persons may be those of particular race, gender or color. However, in the case of the adverse impact, analysts and researchers argue that the illegality of this move may not be evident. This is from the fact that, these discrimination aspects may only take place in a judicial point of view, in that in the case of any conflicts, judicial scenarios are applied. Of essence, one would argue that adverse impact brings out negative treatments, but without intent. This impact is more inclined on the job side, may be through selection for a job, promotion, hiring amongst others.

Landy (2005) indicates that adverse treatment is different from adverse impact. Adverse treatment refers to a form of discrimination that takes place when a particular group of individuals are actually treated in a different way, as opposed to another group (Mathis & Jackson, 2008). One group in the workplace is favored. At times, the form of discrimination is intentional, at times it is not, but all in all the discrimination is palpable. Landy (2005) gives an example of adverse treatment whereby the Blacks' rules and rights are violated, but the same does not take place in the case of the whites. The Blacks, in this case, are a discriminated lot. This, in essence can be discussed negatively in an illegal point of view.

Part two

According to Mathis & Jackson (2008), business necessity refers to a move by the organizations to come up with safe and effectual operations in the organization that are geared to ensuring that the organization is run in a reasonable and free way. It is of essential nature that the employers have

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the required requirements to be in a position to impart the same on the employees, with a lot of legal inferences on this conception.

Business necessity allows for safe and successful operations by the employers, in the case of application to equal employment prospects. With the obligatory educational credentials by the employers, Mathis & Jackson (2008) indicate that they are able to carry out the required tasks that are correlated to the job. It is probable, in this case, to make sure that there are just employment opportunities for all employees, with the emphasis of non-retaliatory job practices, and other bona fide job credentials. Business necessities and job relatedness are highly correlated. In this case, employers work in line with the stipulated rules and regulations that govern employee functionalities. The likelihood of any forms of discriminations and illegalities can arguably be indicated to be minimal in this case, since the employers work in accordance with the set rules and regulations in the workplace. Conclusively, just as Mathis & Jackson (2008) indicate, business necessity can be described as the core of any business operation.

References

Mathis, R. & Jackson, H. (2008). Human Resource Management. London: Cengage Learning.

Landy, F. (2005). Employment Discrimination Litigation: Behavioral, Quantitative, And Legal Perspectives. New York: John Wiley & Sons.