

# Legal Considerations with Employees

by Sophia



## WHAT'S COVERED

What is diversity? Why, especially for employers, is diversity important? This tutorial will cover the topic of legal considerations with employees, providing an overview of the discrimination and rights of workers in the workplace. Our discussion breaks down as follows:

## 1. Legal Considerations

It is important to understand the legislation from Congress and the federal government that has been passed in order to protect the rights of employees and also to help get rid of discrimination on the job and to promote job safety. There are several key pieces of legislation to consider:

- *Fair Labor Act*: Sets minimum wages, and it also sets expectations for who gets overtime pay and what that overtime pay shall be for the amount of work that is done.
- *Equal Pay Act*: Dictates that men and women will be paid equally.
- *Civil Rights Act*: States that employers cannot discriminate against people based solely on their race, color, religion, or national origin.

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## 2. Discrimination and Protected Class

Discrimination is a bias against or toward certain employees. This can be a positive bias or negative bias.

**Protected class** is a group from which the members are legally protected from discrimination. In other words, legislation has been passed that protects this particular group from discrimination.

### IN CONTEXT

Consider the Civil Rights Act and its impact on African Americans in the South, for instance. Back then, it was very easy for people to discriminate against African Americans, based solely on their race. They weren't able to eat at the same diner as other groups of people, or employers would discriminate against them simply because they didn't want to hire this particular ethnic group.

Once the Civil Rights Act was passed, it made these actions illegal. Then, that group of African Americans had a cause to bring an employer before a court and force them to change the way that they did business.



## TERM TO KNOW

### Protected Class

A group from which the members are legally protected from discrimination.

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## 3. EEO and OSHA

It's important to note that as time has gone on, there has been a general expansion of who is protected legally and who is included in this protected class.

Equal employment opportunity, or EEO, is exactly what it says--equal employment opportunity for everyone, regardless of where they come from or who they are. Companies use this to proactively avoid discrimination.

The Occupational Safety and Health Act of 1970 (OSHA) was enacted to help promote worker safety. It matters because it helps to provide a safe workplace for each employee, addressing particular aspects of the job, such as avoiding hazardous materials or lifting heavy boxes, for example.

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## 4. Sexual Harassment and Age Discrimination

**Sexual harassment** is a form of harassment in which unwanted sexual advances or obscene remarks are made. There are a couple of different forms under the general heading of sexual harassment. One of them is called **quid pro quo harassment**, which is a form of harassment in which an inappropriate trade of benefits is suggested. For instance, if you go on a date with me, I'll make sure that you get a promotion or raise. That is a form of quid pro quo harassment.

A **hostile work environment**, on the other hand, is a workplace where a reasonable employee would feel unwelcome and unsafe. Now, this can be in the form of sexual harassment, or it can be in the form of harassment in other ways. Essentially, though, it involves creating a place where workers don't feel welcome when they come there, or they don't feel safe when they're there, simply because of the way they're treated at the workplace.

**Age discrimination** is a type of discrimination which unfairly discriminates against a person simply because of his or her age. If an employer doesn't want an individual working in a particular job because they're "just old," this is age discrimination. Legally, as a member of the protected class, these people cannot be discriminated against simply because of their age, especially if it has nothing to do with how they're able to perform that job.



## TERMS TO KNOW

### Sexual Harassment

A form of harassment in which unwanted sexual advances or obscene remarks are made.

### Quid Pro Quo Harassment

A form of harassment in which an inappropriate trade of benefits is suggested.

### Hostile Work Environment

A workplace where a reasonable employee would feel unwelcome and unsafe.

### Age Discrimination

A type of discrimination which unfairly discriminates against a person because of his/her age.



## SUMMARY

Today we learned about **legal considerations** as it pertains to employees. We also learned about **discrimination** and how it is defined, and the **protected class** and how that protected class has evolved and expanded throughout the years to include more and more groups of people that companies cannot legally discriminate against.

Good luck!

Source: adapted from sophia instructor james howard



## TERMS TO KNOW

### **Age discrimination**

A type of discrimination which unfairly discriminates against a person because of his/her age.

### **Hostile work environment**

A workplace where a reasonable employee would feel unwelcome and unsafe.

### **Protected class**

A group from which the members are legally protected from discrimination.

### **Quid pro quo harassment**

A form of harassment in which an inappropriate trade of benefits is suggested.

### **Sexual harassment**

A form of harassment in which unwanted sexual advances or obscene remarks are made.