

# WORKPLACE LEGAL MATTERS

Business Issues  
Chapter 12

# WORKPLACE RIGHTS AND LAWS

- What 2 things are labor laws designed for?
  - Give employees certain rights
  - Protect employees from unfair treatment on the job
- What 4 things do these labor laws ensure?
  - All Americans have an equal opportunity to get & keep a job
  - To be paid a just wage
  - To be considered fairly for promotions
  - Be protected in times of personal/economical difficulty

- Fair Labor Standards Act (1938)
  1. Requires employers to pay minimum wage (the lowest hourly wage than an employer can legally pay for a worker's services)
  2. Sets the number of hours for a work week which is 40 hours
  3. Create overtime and compensatory time
    - Define compensatory time: getting time off from work rather than money for working overtime
  4. Set child labor laws

- Wagner Act (1935)
  1. Made it legal to organize labor unions and engage in union activities
  2. Unions represent workers in their dealings with employers
  3. Collective bargaining – process through which unions use the power of their numbers to negotiate with company management for such things as pensions, wages, salaries, benefits and working conditions
  4. Strike – occurs when workers stop working in an effort to force an employer to agree to the union's terms

5. Labor contract – a legal agreement specifying wages, work hours, working conditions, benefits and grievance procedures
6. Examples of jobs that could be part of unions: teachers, electricians, steel workers, police officers, manufacturing jobs

- State laws for unemployment insurance
  1. Offers financial and other help to workers who lose their jobs
  2. Must apply for unemployment benefits; usually don't start right away; must also be trying/applying for jobs

- Family & Medical Leave Act (1993)
  1. Guarantees employees (of companies with at least 50 employees) up to 12 weeks for family or personal medical care; this includes
    - a. Birth
    - b. Adoptions
    - c. Serious illness for family member
    - d. Serious illness for self
  2. Paid or unpaid?
    - Depends on employer and if sick days are built up/used up

- Immigration Reform and Control Act (1990)
  1. Requires employers to have proper working papers and identification
  2. Businesses could face fines and workers could be deported if immigration laws are broken
- Civil Rights Act (1964)
  1. Bans discrimination in employment based on 5 things
    - a. Race
    - b. Color
    - c. Religion
    - d. Gender
    - e. National origin
- Age Discrimination Act (1967)
  1. Makes it illegal to discriminate against people over 40 in hiring, promoting, and discharging employees

# 1. Rehabilitation Act (1973)      Americans with Disabilities Act (1990)

1. Protects rights of individuals with disabilities
2. Examples of disabilities: blindness, visual/hearing impairment, mental illness, paralysis
3. Makes sure businesses provide aids for disabled workers
4. Examples of aids: wheelchair ramps/elevators, special equipment (Braille, TDD phone)
5. Affirmative action (define): policy that aims to increase the number of people who represent traditionally underrepresented groups in a field or workplace

- Equal Pay Act (1963)

1. Requires equal pay for equal work (same job with the same amount of experience for the same amount of time)
2. Sexual harassment (define) – any unwelcome behavior of a sexual nature
3. Examples of sexual harassment: jokes, gestures, repeated/threatening requests for dates, unwanted touching

# LEGAL SYSTEM BASICS

- Civil law
  - Conflicts between private parties concerning rights and obligations
  - Examples: divorce, personal injury, breach of contract
  - How does a civil case get to court?
    1. Person A files a complaint against Person B
    2. Summons (order to appear in court) is delivered to Person B (the accused)
    3. Person B files answer
      - a. Go to court OR
      - b. Give in or settle with Person A (no court)

➤ Small claims court

- a. Designed to handle minor disputes
- b. No lawyers are needed
- c. Less complicated
- d. Requires less money

➤ Settlement

- a. Mutual agreement where no one is right or wrong
- b. Monetary award or correction of situation

- Criminal law
  - When the government (who represents society) charges a person for a crime
  - Indictment (define): a list of criminal charges that were committed
  - Types of criminal law
    1. Felony
      - a. A serious crime punished by death or prison
      - b. Examples: murder, rape
    2. Misdemeanor
      - a. A less serious crime punished by fines, jail time, community service
      - b. Examples: shoplifting, speeding