Federal legislation regarding work place issues provides the basic framework within which organizations must operate. Each state and some localities have also instituted requirements and practices which must be adhered to.

Anti-Discrimination Laws (Equal Opportunity Employment)

Equal employment opportunity refers to the protection given under Federal law to applicants to and employees of most private employers. It also applies to state and local governments, institutions of education, employment agencies, and labor organizations. It is intended to combat discrimination in schools and the workplace. Employers who hold Federal contracts, subcontract on Federal jobs or receive Federal funding are also subject to equal employment opportunity requirements, but under different provisions. The most important of the anti-discrimination laws is Title VII of the Civil Rights Act of 1964. While this legislation was originally an answer to the civil rights movement of the 1950s and 1960s by African-Americans, by the time it passed it had become a comprehensive package to combat workplace discrimination. It has been amended several times to strengthen its provisions. The Civil Rights Act of 1991 permits individuals to sue for punitive damages in cases of intentional discrimination, allows jury trials in certain circumstances, extended coverage to Federal employees, and made it somewhat easier for employees to win a case alleging discrimination.

Title VII prohibits discrimination on the basis of race, color, sex (including pregnancy), or national origin. The Act protects against discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. This includes making reasonable accommodation for religious practice if this does not impose undue hardship on the employer. (EEOC, 2009).

Similar protection against discrimination on the basis of disability is provided under Titles I and V of the Americans with Disabilities Act of 1990, as amended. Also protected are those 40 years and older under the Age Discrimination in Employment Act of 1967, as amended. Employers are additionally prohibited under Title II of the Genetic Information Nondiscrimination Act of 2008 from discriminating in any employment-related way based on genetic information. This Act further restricts the acquisition and/or disclosure of genetic information about applicants, employees and their family members. (EEOC, 2009). Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. (Antidiscrimination in the Workplace, 2013).

All of the above mentioned laws prohibit retaliation by a covered employer against anyone who files a charge of discrimination, participates in a proceeding regarding discrimination, or otherwise opposes any unlawful employment practice. (EEOC, 2009).

The effect of these combined anti-discrimination laws is still the subject of some debate, as to whether ever more regulation has been effective in truly changing the culture of the workplace. The Equal Employment Opportunity Commission reported that in 2014 nearly 89,000 discrimination charges were filed against employers under the various laws detailed above. (EEOC, 2015). Obviously, the costs to an employer facing such a charge can be staggering because of time spent and the direct monetary losses.

Compensation Laws

The basic framework for compensation is outlined in the Fair Labor Standards Act (FLSA) which was passed in 1938. It provides for a Federal minimum wage which is periodically raised. It also categorizes workers into exempt and non-exempt employees based on

the type of job they hold. Non-exempt employees are covered by the provisions of the law such as mandatory overtime pay for work in excess of the industry standard (usually 40 hours per week). Exempt workers, who are not subject to the FLSA, are typically executives, managers, professionals, and certain technical workers.

An amendment to the FLSA addresses discrimination in pay based upon sex. Sex discrimination is already prohibited under Title VII. Additionally, the Equal Pay Act of 1963, as amended, looks to the payment of women and men and prohibits sex discrimination in wages to those performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment. (EEOC, 2009). The Equal Pay Act does not state that men and women may not be paid different wages, only that the difference cannot be based on the sex of the worker. Criteria such as quality or quantity of production, merit, etc. are allowed to impact wages.

The impact of these laws is also open to some argument as to their effectiveness in actually protecting workers and assuring higher wages. However, there is no doubt as to the necessity for employer compliance as penalties for infractions are severe.

Labor Relations Laws

The National Labor Relations Act, also known as the Wagner Act, was passed into law in 1935 and establishes the framework for management and labor union interaction. In addition to guaranteeing workers the right to organize and establishing an election process, it prohibits employers from engaging in five major "unfair" labor practices. A much more business friendly law known as the Taft-Hartley Act was passed in 1947 which outlawed several "unfair" union practices. It effectively banned the closed shop and provided for the states to pass "right-to-

work" laws at their choice. Currently 25 states, mostly in the South and Southwest, are "right-to-work" states. (NRTW, 2015).

The impact of these laws continues to be the subject of much debate as to whether the American system of unionization (essentially exclusive representation, all or nothing) remains relevant or whether it would be more appropriate to look to alternative labor organizations or work councils. According to the Bureau of Labor Statistics, the percentage of unionized workers is 11.3%, down from 20.1% in 1983, but figures vary greatly from state to state. For instance, New York has the highest percentage of unionized workers in the US, with 71% of the state's government workers belonging to unions. Nationwide, some 36% of government workers belong to unions, while only 7% of workers in private sector jobs belong to unions. Some states have percentages as low as 2%. (Bui, 2015).

Solution Strategy

Business leadership must be absolutely committed to compliance and transparency in its dealings with employees. The manager of human resources or similarly placed leader can ensure that strong policies are in place to prevent any type of discrimination, harassment, or retaliation. Federal, state, and if required, local regulations must be posted. Organizational policies should be written, and it is important that all employees, but especially those involved in hiring, training, or supervising, be given adequate training on these policies so that an appropriate work culture can be established and maintained. Confidential whistle-blowing processes should be outlined, and nothing in the process should imply that they are discouraged. Payroll records must be strictly supervised to ensure that exempt and non-exempt employees are classified accurately and paid fairly, with careful attention especially at times of transfer or promotion. Each performance review can be a time to revisit compliance issues with employees and also to assess

any potential conflicts in the workplace. Employees are already assured under Federal law certain rights to a grievance process whether they are unionized or not. A proactive approach to avoid labor disputes and to create a more energized, cohesive, and effective workforce might be the use of work councils which would align associates from different departments and statuses in the organization in at least an advisory capacity.

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