

## Chapter 15 – Employment Law

### Section 15.1 Employment Agreements

#### What You'll Learn

- Discuss the employer-employee relationship.
- Define employment-at-will
- Name the exceptions to employment-at-will
- Explain the collective bargaining process
- Describe the laws that regulate labor unions

Understanding employment-at-will wrongful discharge will help you protect your rights as an employee.

#### Key Terms

- Employment-at-will
- Union
- Implied contract
- Public policy tort
- Implied covenant

- Collective bargaining

#### Academic Vocabulary

- Exception
- Corruption
- Solicit

Most \_\_\_\_\_ in the United States work according to the principle of employment-at-will.

**Employment-at-will** means an employer or employee can \_\_\_\_\_ an employment relationship at \_\_\_\_\_ time for any reason.

Some employment situations fall outside the rule of employment-at-will:

- employees with their own \_\_\_\_\_ contracts
- \_\_\_\_\_ classes of employees
- unionized employees

Some employees, such as sports stars, celebrities, and business executives, \_\_\_\_\_ their own individual employments contracts.

Protected classes of employees, such as women and \_\_\_\_\_, cannot be fired on the basis of race, gender, age, or disability.

Union members have specific procedures \_\_\_\_\_ into their contracts and cannot be hired or fired at will.

Union representatives negotiate contracts with representatives of \_\_\_\_\_ in a process called **collective bargaining**.

- The Norris-LaGuardia Act (1932) – cannot force to sign contract agreeing to not join union

- The Wagner Act (1935) – requires employer to negotiate wages, hours, and conditions of employment
- The Taft-Hartley Act (1947) – Labor management relations act
- The Landrum-Griffin Act (1959) – halting corruption

There are \_\_\_\_\_ to employment-at-will:

- Promissory estoppel
- Implied contract
- Public policy tort
- Implied covenant

Promissory estoppel \_\_\_\_\_ an employer from taking back a promise that an employee reasonably \_\_\_\_\_ on.

An **implied contract** exists when an employer has led an employee to \_\_\_\_\_ he or she is not an at-will employee.

**Public policy tort** permits a fired employee to \_\_\_\_\_ an employer if the firing harmed the public \_\_\_\_\_ in some way.

An **implied covenant** is the principle that in any employment relationship the employer and the employee will deal with each other \_\_\_\_\_ and honestly.

### 15.1 Wrap Up:

1. Most employees in the United States work according to the principle of:

- individual employment contracts
- collective bargaining
- employment-at-will
- promissory estoppel

2. Union members can be hired or fired at will.

True or False

3. What is employment-at-will?

4. What are the exceptions to employment-at-will?

5. What is collective bargaining?

## 15.2 Employee Rights

### What You'll Learn

- Explain how the law protects employee health and safety
- Describe the laws that guarantee fair wages and benefits
- Identify the laws that prohibit different forms of discrimination
- Define disparate treatment and disparate impact

Understanding employment law will help you to protect your rights to safety, privacy, and fair pay as a worker.

### Key Terms

- Occupational Safety and Health Administration (OSHA)
- Equal pay rule
- Pension plan
- Social security
- Unemployment compensation
- Workers' compensation

- Discrimination
- Disparate treatment
- Disparate impact

### Academic Vocabulary

- Voluntary
- Random
- Waiver

The government has passed \_\_\_\_\_ to protect the rights of employees to:

- \_\_\_\_\_ and safety
- Fair wages and benefits
- Privacy
- \_\_\_\_\_ opportunity in the workplace

To \_\_\_\_\_ health and safety standards for companies in the United States, the federal government created the **Occupational Safety and Health Administration (OSHA)**.

- Inspects workplaces at random
- Investigate complaints, workplace deaths, & disasters
- \_\_\_\_\_ employees from being fired for filing complaints
- Levies fines for rule violations

The Fair Labor Standards Act requires certain employers, such as hospitals, stores, and restaurants, to pay a \_\_\_\_\_ hourly wage.

The Equal Pay Act established the **equal pay rule**, which says that employers working in interstate commerce must pay women the \_\_\_\_\_ rate as men for doing the \_\_\_\_\_ type of job.

The Family and Medical Leave Act -Employees of companies 50 or more employee

- \_\_\_\_\_ weeks of unpaid leave during any 12-month period to care for new child or relative with a serious medical condition
- Employee can return to previous job or equivalent job with same \_\_\_\_\_ and benefits
- Must have one year of service with company to be eligible

**Social Security** is a government program that provides \_\_\_\_\_ to workers or their survivors if an employee stops working because of retirement, disability, or death.

**Unemployment compensation** is an insurance program that provides income to people who \_\_\_\_\_ their jobs and are looking for work.

Disqualified for:

- \_\_\_\_\_ to accept suitable job
- Unemployment is due to labor strike
- \_\_\_\_\_ for misconduct
- Voluntarily quit a job without good cause

**Workers compensation** is an insurance program that provides income to workers who are injured or \_\_\_\_\_ on the job.

The Federal Privacy Act protects the privacy rights of government workers.

The Employee Polygraph Protection Act bars most employers from using lie \_\_\_\_\_ tests on their employees.

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment.

**Discrimination** is the unfair treatment of people on the basis of \_\_\_\_\_ such as race, nationality, gender, or disability.

**Civil Rights Act of 1964**

- Employers are not permitted to \_\_\_\_\_ in hiring practices either directly through disparate treatment or indirectly through disparate impact.
- The protection granted to employees under the Civil Rights Act includes not only hiring practices but also \_\_\_\_\_ on the job.

The Civil Rights Act of 1991 strengthened the \_\_\_\_\_ of workers who have been discriminated against.

The Pregnancy Discrimination Act makes it \_\_\_\_\_ to discriminate against a woman in the workplace because of pregnancy.

The Age Discrimination in Employment Act makes it illegal to discriminate against workers who are age \_\_\_\_\_ or older.

The Americans with Disabilities Act makes it illegal to discriminate against a worker because of a \_\_\_\_\_ if the worker can still do the job.

#### Sexual Harassment

- Demanding sexual favors in \_\_\_\_\_ for something
- Pattern of severe and pervasive sexually demeaning behavior has altered the workplace, making it \_\_\_\_\_, humiliating, or hostile place
- Sexually explicit comments
- Jokes
- Photographs, cartoons, or posters
- gestures

#### **15.2 Wrap Up:**

1. Which program provides income to workers who are injured or disabled on the job?
  - a) Social Security
  - b) unemployment compensation
  - c) workers' compensation
  - d) the equal pay rule
2. The Equal Pay Act requires employers to pay a minimum wage.  
True or False
3. The government does *not* protect the rights of employees to:
  - a) health and safety
  - b) fair wages and benefits
  - c) have a say in how a company is run
  - d) privacy
4. What four areas can employment conditions be divided into?
5. For what reasons can you be disqualified from receiving unemployment compensation?
6. What are the objectives of the Civil Rights Act?