

HR Summary

Chapter 3:

- 1. Identify the groups protected under the Civil Rights Act, Title VII.** The Civil Rights Act of 1964, Title VII, gives individuals protection on the basis of race, color, religion, sex, and national origin. In addition to those protected under the 1964 act, amendments to the act, as well as subsequent legislation, give protection to the disabled, veterans, and individuals over age 40. In addition, state laws may supplement this list and include categories such as marital status.
- 2. Discuss the importance of the Equal Employment Opportunity Act.** The Equal Employment Opportunity Act of 1972 is an important amendment to the Civil Rights Act of 1964 as it granted the EEOC enforcement powers to police the provisions of the act.
- 3. Describe affirmative action plans.** Affirmative action plans are good-faith efforts by organizations to actively recruit and hire protected group members and show measurable results. Such plans are voluntary actions by an organization.
- 4. Define what is meant by the terms adverse impact, adverse treatment, and protected group members.** An adverse impact is any consequence of employment that results in a disparate rate of selection, promotion, or termination of protected group members. Adverse treatment occurs when members of a protected group receive different treatment than other employees. A protected group member is any individual who is afforded protection under discrimination laws.
- 5. Identify the important components of the Americans with Disabilities Act and ADAAA.** The Americans with Disabilities Act of 1990 provides employment protection for individuals who have qualified disabilities. The act also requires organizations to make reasonable accommodations to provide qualified individuals access to the job. The ADAAA made it easier for individuals to establish the existence of a disability.
- 6. Explain the coverage of the Family and Medical Leave Act.** The Family and Medical Leave Act grants up to 12 weeks of unpaid leave for family or medical matters.

7. Explain business defenses for discrimination charges. A business can protect itself from discrimination charges first by having HRM practices that do not adversely affect protected groups, through supported claims of job relatedness, bona fide occupational qualifications, or a valid seniority system.

8. Specify the HRM importance of the *Griggs v. Duke Power case*. *Griggs v. Duke Power* was one of the most important Supreme Court rulings that pertain to EEO. Based on this case, items used to screen applicants had to be related to the job. Additionally, post-Griggs, the burden was on the employer to prove that discrimination did not occur.

9. Explain the different types of sexual harassment. Sexual harassment is a serious problem existing in today's enterprises. Sexual harassment is defined as any verbal or physical conduct toward an individual that (1) creates an intimidating, offensive, or hostile environment; (2) unreasonably interferes with an individual's work; or (3) adversely affects an employee's employment opportunities. These can be described as quid pro quo harassment that requires some type of sexual behavior as a condition of employment or hostile environment harassment that creates an offensive and unreasonable atmosphere that interferes with the ability to work.

10. Discuss the term "glass ceiling." The glass ceiling is an invisible barrier existing in today's organizations that prevents minorities and women from ascending to higher employment levels in the workplace.

11. Identify legal issues faced when managing HR in a global environment. International employment law differs widely, reflecting government and culture. Laws and wages in China are enforced loosely, and deceptive practices are widespread. Canadian laws are quite similar to U.S. laws. Australian employees are likely to be unionized and German employees are given more representation in company decisions than most countries.

Glossary

4/5ths rule A rough indicator of discrimination, this rule requires that the number of minority members a company hires must equal at least 80 percent of the majority members in the population hired.

adverse (disparate) impact A consequence of an employment practice that results in a greater rejection rate for a minority group than for the majority group in the occupation.

adverse (disparate) treatment An employment situation where protected group members receive treatment different from other employees in matters such as performance evaluations and promotions.

affirmative action A practice in organizations that goes beyond discontinuance of discriminatory practices to include actively seeking, hiring, and promoting minority group members and women.

Age Discrimination in Employment Act (ADEA) This act prohibits arbitrary age discrimination, particularly among those over age 40.

Albemarle Paper Company v. Moody Supreme Court case that clarified the methodological requirements for using and validating tests in selection.

Americans with Disabilities Act of 1990 This act extends employment protection to most forms of disability status.

bona fide occupational qualification (BFOQ) Job requirements that are “reasonably necessary to meet the normal operations of that business or enterprise.”

Civil Rights Act of 1964 Outlawed racial segregation and discrimination in employment, public facilities, and education.

Civil Rights Act of 1991 Employment discrimination law that nullified selected Supreme Court decisions. It reinstated burden of proof by the employer and allowed for punitive and compensatory damage through jury trials.

comparable worth Equal pay for jobs similar in skills, responsibility, working conditions, and effort.

Equal Employment Opportunity Act (EEOA) Granted enforcement powers to the Equal Employment Opportunity Commission.

Equal Employment Opportunity Commission (EEOC) The arm of the federal government empowered to handle discrimination in employment cases.

Family and Medical Leave Act of 1993 Federal legislation that provides employees with up to 12 weeks of unpaid leave each year to care for family members or for their own medical reasons.

Genetic Information Nondiscrimination Act (GINA) Prohibits employers from making employment decisions based on information about an employee's genetic information.

glass ceiling The invisible barrier that blocks females and minorities from ascending into upper levels of an organization.

hostile environment harassment Offensive and unreasonable situations in the workplace that interfere with the ability to work.

Pregnancy Discrimination Act of 1978 Law prohibiting discrimination based on pregnancy.

quid pro quo harassment Some type of sexual behavior is expected as a condition of employment.

reasonable accommodations Changes to the workplace that allow qualified workers with disabilities to perform their jobs.

reverse discrimination A claim made by white males that minority candidates are given preferential treatment in employment decisions.

seniority systems Decisions such as promotions, pay, and layoffs are made on the basis of an employee's seniority or length of service.

sexual harassment Anything of a sexual nature that creates a condition of employment, an employment consequence, or a hostile or offensive environment.

Title VII The most prominent piece of legislation regarding HRM, it states the illegality of discriminating against individuals based on race, religion, color, sex, or national origin.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Clarifies and strengthens the rights of veterans to return to their jobs in the private sector when they return from military service.