Employment Laws and Regulations

Name

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Date

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It is of great significance to note that the field of human resources management is to a great extent, influenced and also shaped by federal and state regulations that govern employment matters. Ideally, laws and regulations greatly oversee all aspects that revolve around human resource management, including recruitment, development, placement as well as payment. There are laws in place that are focused on ensuring that employers embrace fairness performances when it comes to issues related to training, hiring, benefits, pay as well as virtually all the other responsibilities and activities concerned or in other words, related to human resource management. The following paragraphs revolve around identifying and explaining two laws.

**Equal Employment Opportunity Act and EEOC**

As a result of what came to be recognized as United States turbulent struggle for equal rights in the early 1950s as well as 1960s, there was a need for significant change towards a positive direction. Men such as President John Kennedy of the United States and also Dr. Martin Luther King, Jr. worked so hard to tune the attitude of the country to ensure that civil injustice was considered with the right actions being embraced. This later resulted in the emergence of the Equal Employment Opportunity Act of 1972 as the act which grants the Equal Employment Opportunity Commission (EEOC) authority to sue people through state and federal courts, especially when it finds sensible cause to believe that cases of discrimination in the workplace based on sex, national origin, race, religion or even color have been witnessed (Miller, Paul, & Ahrens, 1987). Therefore, the Equal Employment Opportunity Act is there to prohibit any form of discrimination in the workplace based on political belief, national origin, marital status, and religion, among many other factors.

The Act highly expands the protection of Title VII to the public as well as private employers with fifteen or more workers. Again, the Equal Opportunity Act of 1972 led to the reduction of the lowest number of workers from twenty-five to fifteen that an employer can keep without being subject to what is recognized as Title VII. It also offers equal rights protection as far as educational institutions are concerned. The Act triggered the EEOC to amend its principles concerning women and pregnancy in the worksite, ensuring that women are also protected from being terminated because of becoming pregnant. The Equal Employment Opportunity Act of 1972 was necessary as it was the one to give power to EEOC to enforce change. The Act came during the time of President Richard Milhous Nixon. It is essential to note that the Equal Employment Opportunity Act is effective today (Santoro, 2002). EEO continues ensuring that employers do not practice or in other words, engage in employment activities that are prohibited by law.

It is of great significance to note that in the United States, laws as well as regulations at federal, state and also local levels highly regulate how organizations conduct staffing. The introduction of Title of the 1964 Civil Rights Act led to the ban of most discriminatory practices. As the means to ensure that discrimination in the workplace was not practice, Equal Employment Opportunity (EEO) was formulated. This sensitive area of legal concern exists even today protecting many from illegal discrimination. Employers in the country ought to comply with the provisions of Title VII. This helps to promote the existence of EEO in God’s world. As seen earlier, the law plays a tremendous role when it comes to protecting people from illegal discrimination. This is to say that because of the law, individuals who share a certain characteristic, for instance, gender, race, or even age are protected and cannot be discriminated based on that characteristic.

An excellent example of a legal case that relates to this law is ‘what is McLane Co. V. Equal Employment Opportunity Commission, 581 U.S.\_ (2017).’ As far as this case is concerned, Ochoa was in a physically demanding job for McLane, which highly needs new workers in such positions as well as those returning from medical leave to carry out a physical evaluation. It occurred that when Ochoa returned from three months of maternity leave, she did not pass the evaluation for three times and as a result, she was fired. Ochoa took the direction of filing a sex discrimination charge under Title VII of the Civil Rights Act. What followed is that EEOC started an investigation. However, McLane did not accept the request of giving names, addresses and telephone numbers of workers who were asked to take the evaluation. The EEOC then issued subpoenas under 42 U.S.C. 200e-9, and this was meant to seek information concerning its new investigation. All efforts were directed towards ensuring that Ochoa found justice based on her discrimination case.

**Americans with Disabilities Act (ADA) of 1990**

Congress approved the Americans with Disabilities Act (ADA) in the year 1990. ADA is recognized as a revolutionary piece of legislation that is highly framed to defend the civil rights of individuals who have physical as well as mental incapacities. It mandates changes in the manner that both government, as well as private businesses, conducts their operations to ensure that all people in the United States have full access and can fully take part in every aspect of the community (Bishop, & Jones Jr, 1993). Therefore, the American with Disabilities Act seeks after the removal of barriers that deny people with incapacities or in other terms, people with disabilities equal opportunity as well as access to government services, telecommunication, jobs, public accommodations, and public transportation.

ADA applies to small organizations and also to large ones and this is to imply that owners of these small businesses ought to be aware of its provisions as well as how they influence their organizations’ employment performances, products and facilities. It is of great significance to remember that the Equal Employment Opportunity Commission (EEOC) happens to be the federal agency with the sole responsibility of enforcing the various aspects of the Americans with Disabilities Act. It is projected that about fifty million citizens in American have a disability and are, therefore, protected through ADA. Disability in the United States is meant to refer to three categories of individuals. First, there are those individuals who have a physical or even mental impairment that to a great extent limits one from functioning normally. Secondly, some people have a record of an impairment that limits one or even more key life activities. Lastly, there is the category of individuals who may in one way or another be considered by others as having such impairment. Therefore, for one to be fully covered by ADA, they must be ‘disabled’ and fitting in one or more of the categories mentioned above.

The introduction of ADA was necessary as discrimination against people with disability in the United States was on the rise. It was signed into law on July 26th the year 1990 by President George H. Bush ("Americans with Disabilities Act (ADA)", 2019). The Act is effective even today. It is worth noting that since ADA was signed into law in 1990, its enforcement measures, effectiveness as well as provisions have all come under scrutiny. Many people who support ADA have greatly credited it with enhancing the quality of life of so many disabled individuals, and it has opened new economic opportunities for disabled employees across the United States.

As far as this case is concerned, a legal case was filed by Equal Employment Opportunity Commission against Wal-Mart Stores Inc. under Title I of the ADA, of 1990. According to this case, the organization was accused of failing to reasonably accommodate a worker with a disability at one of its stores recognized as Peoria, Arizona. As such, the organization was perceived to have violated the employment provisions of the ADA. EEOC alleged that Wal-Mart got involved in discrimination against an employee, Alice Rehberg, by refusing to offer a reasonable accommodation as far as her disability was concerned. It was reported that Alice is severely limited in her ability to stand for extended periods something that the company did not want to consider. The company instead discharged her from her position. The case was handled in a way that justice was being sought for Alice and the court ordered Wal-Mart to carry out training as the means to avoid further violations of the ADA.

References

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