



# Employment Law: Compliance Basics

Part 5 in a 12-Part Series on Helping First-Time Managers and Seasoned, But Untrained, Supervisors Transition to Effective Leaders

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## About the Supervisory Basics Article Series

The transition from an individual contributor to a supervisory or managerial role is one of the most critical and difficult career moves.

Representing the largest pool of management talent in most companies, supervisors prove critical to an organization's success. Companies that develop superior leaders in these supervisory positions can execute more effectively than their competition.

This article, *Employment: Compliance Basics*, is based on Module #5 from [The Supervisory Basics Series](#), a 12-Part Series on Helping Individual Contributors and Seasoned, But Untrained, Supervisors Transition to Effective Leaders. This article presents a handy reference for managers regarding key employment legal issues and pitfalls.

The Supervisory Basics Series consists of 12 individual yet linked two-hour modules, delivered in leader-led or eLearning formats, helping managers understand the management behaviors and tactics required to ensure their own and their company's success. More information on The Supervisory Basics Series can be found at the conclusion of this article.



Listen to the Supervisory Basics Podcast Series: *Tips for Managers and HR Professionals on Helping Individual Contributors Transition to Effective Leaders*. [Available on iTunes](#).

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## Introduction

As human resource professions already know, federal, state and even company policy regarding employment laws is complex and strict. Perhaps nothing can cause a new supervisor or manager as much difficulty as ignorance of applicable labor laws. A clear understanding of the rights of employees is not just important—it is essential knowledge. Legal concerns can and will vary by organization and state, province or country. This article does not attempt to educate human resources or new managers on the specifics of employment law, but rather attempts to present an overview of basic labor laws and what it means to be an agent of the organization.

*Sexual harassment or hostile work environment protections extend to customer, vendor and supplier relationships, as well as to employees.*

## Labor Law Basics

- Sexual harassment laws cover all employees. Managers have a responsibility to inquire into any rumors regarding sexual harassment or issues regarding a hostile work environment. Managers must show they have done due diligence via appropriate inquiry. Ignoring the issue puts the manager and the organization at legal risk.
- Organizations can be found guilty if they knew, or reasonably should have known, about illegal acts. For instance, an organization can be found guilty of allowing sexual harassment even when the leaders (supervisors, managers, etc.) have no knowledge of the offending behavior.
- An organization is usually considered “guilty until proven innocent” when accused of illegal labor practices. The burden of proof usually falls on the employer to show that behavior was not discriminatory.
- Sexual harassment or hostile work environment protections extend to customer, vendor and supplier relationships, as well as to employees.
- Health insurance is not a legal right. It is a benefit offered by an organization. However, if it is offered to any full-time employee, it must be offered to all full-time employees.
- It is unlawful to discriminate on the basis of a person’s country of origin or nationality, but people from other countries only have the right to work in the United States if they have obtained that right from the U.S. government.
- A person can’t be fired because of their age unless there is a mandatory retirement age in the organization that applies to all employees. A person can be fired for performance or inappropriate

conduct issues (in accordance with the organization's termination policies) at any age.

- While employers should avoid inquiring about an applicant's age, the age of the employee is an acceptable question when it applies to asking whether the applicant is over the age of 18 and/or whether age is a job requirement (like serving alcohol).
- Employment law covers all rights and obligations within the employer-employee relationship—whether they are current employees, job applicants, or former employees.
- The right of privacy does not extend to certain workplace activities and documents, including email, contents of company desks and lockers, voicemail, and information about activities that could create liability for the company (such as sexual harassment or illegal practices). Advise employees to treat voice mail, email and Internet usage as if it were public knowledge. Employees have a reasonable expectation of privacy in their personal possessions: handbag, briefcase, personal phone calls. Regarding workplace security, consult HR.
- Employee privacy includes reasons for requesting medical leave, discrimination or harassment issues, and violations of law or matters of public policy. These matters can only be shared with those in a "right to know" position.
- Skills, experience, motivation, ambition, and interests are generally permissible subjects of pre-employment inquiries.
- Supervisors are required to work with their employees to make it possible for them to practice their religious beliefs—within reason. These allowances are called "accommodations." Supervisors are required to accommodate their employees' religious practices and beliefs unless doing so would cause their business undue hardship.
- Anti-discrimination laws protect all workers from employment decisions based on protected status—race, color, religion, national origin, sex, age or disability under federal law.
- As a representative of the company, a manager must report any information that pertains to the performance of employees regardless of where and when that information is heard. To avoid problems in a social environment, do not inquire about personal issues off the job and warn off any disclosure by employees while off the job.
- Regarding job references from potential new employers, information must be specific performance data based on clear, specific performance behaviors related to clear, specific performance expectations and standards. It can't be subjective opinions or labeling

of intent, motive, personal characteristics, even if documented in written performance appraisals. Best bet: stay clear of providing detailed information about employees.

- Requirements for a college degree must be related to job duties—eligibility criteria—and not the time frame the degree was attained.
- An employee who reports a violation of the law by his or her employer cannot be retaliated against.
- An employee cannot be fired for the sole reason that the manager does not like him/her.
- A manager must never make promises or commitments that he or she is not prepared to follow through on. Being a representative of the organization, a manager's promises or commitments are usually considered binding.
- There is no legal requirement for anyone to provide a recommendation or referral for anyone else. Managers can choose not to comment.
- Managers are agents/representatives of their companies 24/7. Remember that any information learned, no matter how or where it was obtained, is now organizational knowledge. Anything a manager requests is now an order from the organization. Any promises a manager makes, explicitly or implicitly, can be enforced against the organization.

## Conclusion

Managers don't need to be legal experts, but they do need to have a clear understanding of the rights of employees and then follow through on enforcing those rights. Failure to do so exposes his or her company to liability and damages the integrity of the manager and company. If there are any questions about what to do, the manager needs to go to human resources for help. Under the eyes of the law, ignorance is not an acceptable excuse.

In the next article (article 6 of our 12-article series), Performance Review Skills, the three critical elements in performance review (clear expectations, well-defined standards, and clearly defined performance measures) will be addressed.

### Did You Enjoy This Article?

If you enjoyed this article please [visit our website](#) to access other articles in this 12-part series on Supervisory Basics.

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## About the Supervisory Basics Series

The [Supervisory Basics Series](#) is based on extensive analysis of the competencies required of transitioning individual contributors and seasoned, but untrained, supervisors. This series provides the knowledge, tools and skills to immediately establish a leadership role and helps participants understand how to avoid the typical traps of new supervisors and managers.

The Supervisory Basics Series helps managers understand the management behaviors and tactics required to ensure their own and their company's success. The result is managers establishing themselves in a legitimate position of power, inspiring superior performance and promoting open, effective communication. Supervisory Basics also helps beginning managers avoid common new manager traps—lack of clarity in expectations, ineffective communications, not establishing personal power and failing to move from “doer” to leader. Such negative behaviors lead to absenteeism, low morale, lost productivity and customer loyalty, as well as increased attrition.

The series consists of 12 individual yet linked two-hour modules, delivered in leader-led or eLearning formats. Companies can choose flexible implementation, including an integrated 3-day series, stand-alone sessions, mix and match, and external facilitator or train-the-trainer options. Participants will learn to build credibility, establish legitimate position power, earn personal power, “manage up,” understand legal basics and conduct purposeful workplace discussions. [Download the brochure.](#)

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## About Impact Achievement Group

Impact Achievement Group is a training and performance management consulting company that provides assessments, coaching, story-based interactive workshops, and simulations for managers at all levels of organizations worldwide. Impact Achievement Group helps companies dramatically improve management and leadership competency for bottom-line results. Company experts Rick Tate and Julie White, Ph.D. are internationally recognized authorities in leadership development, human performance, customer-focused business strategies and workplace communications. [Visit the website.](#)