Workplace Discrimination Laws and Fair Hiring Practices

Posted on January 27, 2020

View this essay online:
https://academic-master.com/workplace-discrimination-laws-and-fair-hiring-practices/

Workplace Discrimination and Legal Protection

Discrimination refers to an unfair treatment of an individual by race, gender, physical state or any other distinctive factor that makes one different from the rest. The U.S. has, over the years, established laws that protect employees against any form of discrimination in the workplace. The Equal Employment Opportunity Commission, abbreviated as (EEOC) enforces anti-discrimination laws. Notably, these laws protect not only the employees but also the applicants to various job positions in a given organization, as well as give equal opportunities to women in leadership. The employer ought to focus on the skills of the applicant in relation to the demands of the job advertised as a guide to the recruitment exercise.

When a leader prohibits 3-5 anti-discrimination laws, the direct benefit from the action is that he would have established an equal opportunity working environment where employees will feel free to deliver to their maximum. However, discriminating individuals at the workplace due to their gender status kills their morale, thus resulting in low productivity (Mattis, 2001). Another benefit of such leadership qualities is that it will promote a harmonious working environment, which is ideal for productivity. Productivity increases when employees have positive relations with each other.

The major loss that arises from enforcing such leadership qualities limits the manager's ability to choose employees whom he or she is comfortable working with, thus making management difficult. For example, the lady in the case study was denied a chance to work as an assistant manager, yet she was qualified and possessed even better skills than the male counterpart whom she had trained and who was instead given the privilege of working as the assistant manager. Another forgone cost is that such a prohibition will ensure that the organization has individuals from all age groups, races and genders. In essence, some who come along will be presented with unique cultures. At times, it becomes difficult to accommodate employees with different cultures as their cultural reservations might make it difficult to accommodate them entirely, and terminating their contracts might lead to expensive legal suits that eat into the organization's time and financial resources.

Equality, Gender, and Organizational Benefits

It is worth noting that prohibiting any form of discrimination, including gender inequality, is not covered by federal laws. Nonetheless, non-discrimination laws will benefit the organization in the sense that it will promote an equal environment for employees, both male and female, to compete for positions on the basis of their merit (Davidson, 2000). This, in turn, raises the standards of the firm as competence will most likely help deliver results. Further, the organization will have portrayed itself as an advocate for equality by taking the extra steps to prohibit other forms of discrimination not addressed by the federal anti-discrimination laws. The cost of a prohibition of legislation not covered under the federal antidiscrimination laws is that it taints the image of the organization.

When there exist too many laws that protect the employees at the organization, there is always the risk of abuse. The employees might take advantage of the existing legislation to press charges against the organization, even in cases where it is they who might have been at fault. Additionally, when one prohibits all manner of discrimination, including those not covered under the federal nondiscrimination laws, then he or she opts to devise ways of meeting the extra costs of enforcing the same laws. EEOC will only enforce laws under its jurisdiction and does not extend to other laws established by the organization. Enforcing a particular law requires personnel, and recruiting these personnel adds to the overall expenditure costs incurred by the organization.

It suffices to conclude that even though the nondiscrimination laws have helped to protect the rights of women in the workplace, more still needs to be done to ensure that no party suffers at the expense of the other. The anti-discrimination laws ought to consider the interests of the employer, too. For example, the woman in the study was more polished in sales and operational management. She would have been a good alternative for the assistant manager position since she was the only female leader with the potential for high positions (Davidson, 2000). If the law favors one party in any environment, then those whom it disadvantages establish other mechanisms of establishing equilibrium between them and their employees, which worsens the situation. This can be confirmed by the lady’s decision to turn down an offer to go back to the organization after she was offered many different positions. In truism, she had finally discovered her worth and preferred working as an operations manager elsewhere rather than being used as a trainer with no prospects for higher positions in the former organization.

Fair Hiring, Human Capital, and Long-Term Value

The first benefit that is accrued upon hiring an effective employee stages by strengthening the long-term values of the organization, which involves studying all the intangible and tangible assets that play a major role in generating stable cash flow for the retailer. In this case, voluntarily adopting and hiring promotional practices during recruitment contributes to a strategy that aims at creating and further strengthening human and organizational capital (Mattis, 2001). Second, it generates both

short and medium-term opportunities that aim at improving the overall productivity achieved by resolving labor shortages, improving performance in all existing markets and reducing the costs incurred. Therefore, the two above benefits considerably measure and further link the retailer to adopt diversification of the workforce.

On the other hand, by voluntarily adopting the hiring and promotion practices aimed at diversifying the workforce at the organization, it may face four types of additional costs. First, the management may incur costs of legal compliance such as record-keeping systems, staff training, and communication of the new diversity workforce policies. Second, the leaders will incur cash costs of diversity, such as employing the specialist staff, educating and training to meet the retailer's expectation standards. Some of these expenses are often considered a one-off and are short-term, but most of them are long-term and often recur. Third, the opportunity costs of diversity represent the loss of benefits incurred in all productive activities of the leaders. Lastly, the expenses incurred on the business risks of diversity where many programs are designed to change the culture of the retailer to take longer than planned to implement.

Noteworthy, there are several ethical considerations of the leaders not voluntarily prohibiting the forms of discrimination laws. First, the management will experience workplace disharmony where employees will fail to agree amongst themselves thus slowing the workplace progress. In any workplace environment, employees are often encouraged to work in harmony for the success of the business (Mattis, 2001). Second, the workplace will experience inequality in terms of promoting employees and assigning duties within the business environment. As a result, most employees will feel discriminated against, thus resigning from their respective positions.

Across the world, most companies or organizations that have achieved higher standards and success are believed to have enforced workplace discrimination policies. This makes the employees comfortable in their place of work, thus generating more profits for the company. To ensure that all employees are exempted from any form of discrimination, managers should make sure that all forms of employee protection strategies are considered (Davidson, 2000). For instance, the prohibition of discrimination in the workplace will encourage the employees to work in harmony, thus improving the overall output of the organization. On the other hand, the prohibition of workplace discrimination on a gender basis creates equality among the employees, thus creating a safe environment for the business. As a result, the business will expand because new opportunities will be generated by the employees who work in harmony. For example, the lady in the case study would be able to train more individuals if she was given the post of assistant manager. Therefore, the organizational management is tasked with the responsibility of ensuring that adopting the hiring and promotional practices that aim at creating a workplace is diversified. All parties involved should come in handy and approve the prohibition of discrimination policies to ensure that all employees' rights are protected.

References

Mattis, M. C. (2001). Advancing women in business organizations: Key leadership roles and behaviors of senior leaders and middle managers. *Journal of Management Development*, *20*(4), 371-388.

Davidson, M. J., & Burke, R. J. (Eds.). (2000). *Women in management: Current research issues* (Vol. 2). Sage.