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About the course Employment Law

What Is Employment Law? Employment law is the collection of laws and rules that regulate relationships between employers and employees. Employment laws say when an employer can hire employees and when the employees can work. The laws cover what an employer must pay the employee for their work. They create minimum requirements for working conditions for employees. Following employment law When an employer wants to hire someone, thereâ€™s a lot they have to know. There are minimum wage laws that require the employer to pay a certain amount. There are laws that prohibit the employer from discriminating against applicants or employees based on certain characteristics. Employers must provide a safe working environment. In some cases, they must provide health insurance options. Employers must collect and submit payroll taxes on behalf of the employee. Employers often donâ€™t even know what they donâ€™t know. With so many regulations to comply with, employers are often overwhelmed. U.S. labor laws have developed throughout American history. Theyâ€™re not all in one place. Employers turn to lawyers to help them follow the law. At the same time, employees want labor laws enforced. They may need help from an employment lawyer to understand what the laws are and whether their employer has violated the law. They might turn to an employment lawyer to help them enforce the law when their employer hasnâ€™t followed it. Major employment laws in the United States Some of the most notable employment law in the United States includes the following: Minimum wage laws The Fair Labor Standards Act of 1938 sets a federal minimum wage. Many states also have minimum wage laws. States canâ€™t make a lower minimum wage, but they can make the minimum wage higher than federal law requires. Different types of employees might have special considerations. For example, employers who have employees that earn tips may be able to rely on tips to make up some of the employeeâ€™s minimum pay. Overtime pay Employees have the right to overtime pay. The Fair Labor Standards Act says that an employer must pay time and half for any hours that an hourly employee works over 40 hours per week. While thereâ€™s no maximum number of hours that an employee can work in a week, the employer must pay overtime for each hour that an employee works over 40 hours in a week. Thereâ€™s no right to overtime for working on a Saturday or Sunday if the employeeâ€™s total hours stay under 40. Thereâ€™s also no limit to the number of days that an employee can work in a week. Family and medical leave The United States has no requirement for paid medical leave. However, the Family and Medical Leave Act of 1963 says that large employers must offer up to 12 weeks of unpaid family leave. An employee can use family leave after the birth of a child or after an adoption. They can use it for their own health problem or to care for a spouse, child or parent who has a serious health condition. Collective bargaining Employees have a right to organize collective bargaining with an employer. The Clayton Act of 1914, the National Labor Relations Act of 1935 and the Labor Management Reporting and Disclosure Act of 1959 all regulate collective bargaining. If more than 50 percent of a workforce wants to organize, a company must negotiate in good faith. Safe working conditions Employees have a right to safe working conditions. The Occupational Safety and Health Act of 1970 (OSHA) protects employees from foreseeable hazards at work including chemicals, extreme temperatures, noise, sanitation problems and conditions that are likely to cause injuries. Employers canâ€™t retaliate against an employee for exercising their rights under OSHA. Employers canâ€™t discriminate based on protected characteristics Employers must be careful to avoid discrimination against employees. They may not discriminate on the basis of race, color, religion, sex or national origin. The Civil Rights Act of 1964 prevents an employer from discriminating based on these qualifications in both the hiring process and when making a decision about a dismissal. There are some exceptions that employment lawyers should be aware of. For example, casting directors are able to make decisions that are consistent with their creative vision. Employers also canâ€™t discriminate on the basis of age. The Age Discrimination in Employment Act of 1967 says that employers canâ€™t discriminate against older employees when itâ€™s time to decide promotions, compensation and termination of employment. Similarly, employers canâ€™t discriminate against people with disabilities. The employee must be able to fulfill the essential duties of the job, but they can have reasonable accommodations. Civil rights considerations Employees have First Amendment rights. However, employers have a right to go about their business without interference from employees. For example, in Pickering v Board of Education (1968), a school wrongfully terminated a teacher for criticizing the school board. However, in Connick v. Myers (1983), the court said that it was okay to fire a disgruntled employee for circulating a questionnaire on management practices. Civil rights also protect an employeeâ€™s right to privacy. Employees have a right to privacy in their own handbags and even in private telephone conversations. However, thereâ€™s no right to privacy on employer-owned electronic devices. Who practices employment law? Employers, employees and the government all need employment lawyers. Employment lawyers work as in-house counsel, in private law firms, and for the government. Employers rely on employment attorneys to help them comply with the myriad of laws that they must follow in order to lawfully form and terminate employment relationships. Relying on employment lawyers can help employers save time and money as well as make sure that they treat their employers fairly under the law. In-house attorneys might practice employment law as part of a wider practice that meets their companyâ€™s range of legal needs. Employees rely on employment lawyers to help them when employers donâ€™t comply with the law. For example, when an employee needs to enforce mandatory overtime pay or bring a claim for age discrimination, they may turn to an employment lawyer. Unions rely on employment lawyers in collective bargaining negotiations. Both employers and employees might rely on an employment lawyer to draft and negotiate a contract of employment. Each side might have their own attorney to represent them and negotiate in their interest. Employment lawyers can also work as contract lawyers to the extent that they help employers and employees negotiate contracts. Employment lawyers also work for the government. They might work for one of the government agencies that drafts and recommends employment laws to the President and to Congress. These agencies analyze employment data and even enforce employment laws. If you work for the government, you might work in drafting, you might bring violations on behalf of the government or you might serve as an administrative hearing officer. Because of

the many regulations involved in employment law, most lawyers who specialize in this area make it a large share of their practice or their only area of practice. Most employment lawyers arenâ€™t solo practitioners. Employment lawyers tend to gravitate towards medium-sized and large cities. Employers might use in-house attorneys or private practice attorneys to meet their needs. Employees usually look for private practice attorneys when they need an employment lawyer. Why Become an Employment Lawyer? For attorneys who enjoy regulation and compliance, employment law is a good choice. Employment lawyers donâ€™t often see a courtroom. While employment disputes can go to trial, the vast majority of an employment lawyerâ€™s duties involve advising employers in best practices and negotiating contracts. Employment lawyers might occasionally work to resolve employment disputes or negotiate bargaining agreements. Contested hearings are possible, but theyâ€™re typically an infrequent part of an employment lawyerâ€™s duties. Employment lawyers often set up stable, long-term practices. They might represent a single client for many years. They might practice employment law as they rise through the ranks of a company or a large law firm. Employment laws change over time. That means companies have ongoing legal needs. It also means that employees may have new disputes. Employment lawyers can rest assured that they will have work to do both today and in the future.

Business Category's Courses

Course Lesson(17)

Lesson 1 : **Understanding Employment Law**

Lesson 2 : **The Employment Relationship**

Lesson 3 : **Employment Discrimination**

Lesson 4 : **Recruitment**

Lesson 5 : **Employment Eligibility**

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Lesson 11 : **Wages Hours and Pay**

Lesson 12 : **Benefits**

Lesson 13 : **Labor Relations**

Lesson 14 : **Safety and Health**

Lesson 15 : **Privacy on the Job**

Lesson 16 : **Employee Termination**

Lesson 17 : **Post Termination Issues**

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