

**DANIEL ACHEAMPONG
ID UB70513HHu79666**

MANAGING DIVERSITY IN HUMAN RESOURCES

Diversity In HRM

**ATLANTIC INTERNATIONAL UNIVERSITY
HONOLULU, HAWAII**

WINTER 2021

Human resource management of equal employment opportunity (EEO) and workforce diversity involves the development and implementation of employer policies and practices that not only create a diverse workplace, but foster a supportive culture to enable individuals from different backgrounds to be able to work together productively to achieve organizational goals. Ensuring EEO, and the creation of a work environment that capitalizes on the benefits of a diverse workforce, are of growing importance for organizational effectiveness. Most employees around the globe work in organizations with a diversity and multicultural dimension to their business.

CHAPTER 1

1. What is human resource management?

Human Resource Management (HRM) is an art and science. I have chosen the term “art and science” as HRM is both the art of managing people by recourse to creative and innovative approaches; it is a science as well because of the precision and rigorous application of theory that is required.

As outlined above, the process of defining HRM leads us to two different definitions. The first definition of Human Resource Management is that it is the process of managing people in organizations in a structured and thorough manner. This covers the fields of staffing (hiring people), retention of employees, pay and perks setting and management, performance management, change management and taking care of exits from the company to round off the activities. This is the traditional definition of HRM.

The second definition of HRM encompasses the management of people in organizations from a macro perspective i.e. managing people in the form of a collective relationship between management and employees. This approach focuses on the objectives and outcomes of the HRM function. What this means is that the HR function in contemporary organizations is concerned with the notions of people enabling, people development and a focus on making the “employment relationship” fulfilling for both the management and employees.

2. Explain with at least five examples why “a knowledge and proficiency in HR management concepts and techniques is important to all supervisors or managers.”

HR management concepts and techniques can help all managers to ensure that they get results—through others. These concepts and techniques also help you to avoid common personnel mistakes such as: hiring the wrong person; experiencing high turnover; finding your employees not performing at their best; wasting time on unnecessary interviews; having a lawsuit against your company because of discriminatory actions; having your company cited under federal occupational safety laws for unsafe practices; having some employees think their salaries are unfair and inequitable relative to others in the organization; allowing a lack of training to undermine your department’s effectiveness, and committing any unfair labor practices.

3. Explain with examples what we mean by “the changing environment of human resource management.”

Change is constant, and it requires HR department to play a central role in the organization. These changes includes the following:

Globalization: Today companies are crossing boundaries and expanding but they are also working in global market. Apple, Nike, Zara, Sony, Dell, Ford are some of those companies who have their global presence. Companies have their presence in multiple countries, along with their support offices and provide services to international consumers in every market. Companies enter into international market to expand their sales base and aggressively increase their productivity and profits. Some of the companies enter into other countries for manufacturing reasons as well as cheap labor cost for production. Sometimes partnership with other companies for business becomes the reason for entry into global market. Globalization leads to more competition, which means requirement of more complete and world class workforce in the organization. The borderless world is putting more pressure on the workers and reducing job security. Job outsourcing in the countries where cheap labor is available has become a new norm in today's time to reduce cost. People need to work hard and smartly in this globalized world.

Technological Effects: Companies today are using technology to remain competitive and more powerful be it managing internet based distribution network, online payment system, or exchanging communication, or monitoring store sales. Use of PDA, Scanners, Printers, and Virtual Communities etc. are used today to improve efficiency at work. Technology has completely transformed the way people are working today. People also need to learn the technology and it requires skill training.

Changing Demographics: Finding and hiring the right set of people is becoming difficult across the world. Shortage of skilled manpower is rising and expected shortage will rise further. For example, India has highest demographic dividend in terms of young population, but employability of this workforce is considered poor due to lack of required skills. India badly needs efforts to improve skills and create jobs that can absorb the young population.

4. Give examples of how the HR manager's duties today are different from 30 years ago.

The role of HR professionals has changed beyond recognition in the latter part of the 20th century. Over the last 30 years the HR function has evolved from being a manager of personnel and employee information, to a department which has responsibility for everything from standard and essential procedures such as payroll, to complex, key strategic elements such as top management development.

For much of the twentieth century, personnel/HR managers focused on day-to-day transactional types of activities. For example, in the earliest firms, they first took over hiring and firing from supervisors, ran the payroll department, and administered benefits plans. As expertise in areas like testing began to appear, the personnel department began to play an expanded role in employee selection and training. Today, we have seen that trends like globalization, indebtedness, and technology confront employers with new challenges, such as squeezing more

profits from operations. Employers expect their human resource managers to have what it takes to address these challenges.

5. Discuss, with examples, four important issues influencing HR management today.

Tighter labor markets, economic uncertainty and globalization are key issues that will shape the workplace and the HR profession in coming years, according to the Society for Human Resource Management's (SHRM's) Special Expertise Panels. Due to the fluctuating economy as well as local and global advancements, there are many changes occurring rapidly that affect HR in a wide range of issues;

Stepped-up competition for talent. As labor market conditions improve and the need for skilled and educated workers rises around the world, organizations are finding it more difficult to attract the best employees. This makes it increasingly necessary for HR to help build a strong employer brand. Smart HR professionals are highlighting cultures that incorporate the fundamentals of a great place to work, including corporate social responsibility initiatives, strong worker safety and security measures, and an overarching atmosphere of civility and respect in the workplace. The tight competition for talent is also influencing compensation and benefits strategies, immigration policies, and global relocations.

New developments in technology. New tools, such as talent networks, crowdsourcing and internal social networks, hold the promise of increased flexibility and productivity. But their use in supporting a virtual workforce will continue to make employee management and team building challenging.

The impact of the economy. While economic indicators have improved in countries around the world, many organizations continue to feel a strain on their budgets. This will influence hiring strategies and other HR decisions. In addition, increased globalization and political unrest in some regions as well as the emergence of COVID-19 will continue to make economic uncertainty the "new normal."

Demographic changes. Population changes will have a mounting impact on many aspects of employment and HR practices. These changes include the aging workforce, different generations working together, the nature of family and parental roles, and increased cultural diversity.

6. Explain HR management's role in relation to the firm's line management.

The primary reason human resources and line managers should work together is because both parties have a vested interest in ensuring the company achieves success. Through working together, line management becomes more proficient in tactical human resources functions.

Department Staffing: The human resource department's main function is to support the workforce needs of the organization. HR and line managers should communicate regularly and frequently to determine the skills and qualifications required for seamless operation of department functions. Whenever there's a vacancy in a line manager's department, an HR

recruiter or employment specialist and the line manager review the job description for accuracy and completeness. During the recruitment and selection process, HR advises line managers on how to identify qualified candidates and existing department staff capabilities.

Training and development: The most effective way for a company to continue achieving its business plans is by expanding its strategies on training and development activities for their employees in order to allow them to flourish their skills and abilities. The theory 'a valuable employee is one who is well trained and has learnt, hence has shown continuous develop' has been used by HR managers to ensure that effective training is provided to their employees and allowing them to progress continuously (D.Haffner, handout 2, 2010:26). The HR manager is responsible for establishing learning and development strategies that will be followed to achieve the better skills for their employees. In the other hand, line managers are in charge of planning training sections for their employees and assessing their progress from their learning and ensuring that every one of them has had the opportunity to train and develop continuously.

Conflict Resolution: Workplace conflict is inevitable whenever department employees represent different cultures, work styles and personalities. When conflicts arise, line managers typically seek the advice of HR in resolving issues between employees or issues between employees and their managers. If there is already dissention between HR and line management, it can be difficult for human resources to determine what underlies the conflict and how to resolve it. A positive working relationship between HR and line management facilitates easier handling of workplace investigations and mediating differences between staff. When HR and line management work together, it is easier for HR to investigate workplace issues because the human resource staff may have greater confidence that line managers document their employment actions and decisions appropriately and according to company policy.

Workforce Strategy: Strategic planning between HR and line managers involves reviewing projections concerning future business demands to determine whether to train current employees to prepare them for promotion or to recruit candidates with higher level skills to augment the current employee knowledge base. By working together on immediate and future staffing needs, HR and line management benefit from reduced cost per hire and turnover. In addition, the organization benefits from appropriate succession planning and adequate staffing.

7. Compare the authority of line and staff managers. Give examples of each.

Line authority is the type of authority that reflects superior-subordinate relationships characterized by the power of decision making. Line managers are responsible for directing, motivating and supervising employees towards achieving organizational goals. For example, they can give an order to a production supervisor to keep a single employee at work, or ask for reasons why a single employee was late or absent for work.

However, Staff authority refers to the right to advice on improving the effectiveness for line employees in performing their duties. Main responsibility of staff managers is to provide expert advice and support to line staff to allow smooth flow of operations. For example, accepting quality of work, initiating mass scale high quality production etc.

The difference between line authority and staff authority depends on the personnel the authority is granted to. Decision-making power in routine activities is associated with line authority while staff authority deals with specialized work that provides assistance for line employees. While line authority can be seen in all types of organizations, staff authority is found in selected organizations, notably in large scale ones.

8. Interview an HR manager. Based on that interview, write a short presentation regarding HR's role today in building competitive organizations.

INTRODUCTION OF THE ORGANIZATION

TATA Consultancy Services Limited (TCS)

Interviewed Personnel: HR department member of TCS

Mode of Interview: Video conferencing

SOME IMPORTANT POINT FROM THE DISCUSSION

There is a standardised process for hiring at any level, new employees undergo a vigorous orientation and training process before joining their respective teams. Person's qualifications or matching to job profile both play a major part in hiring of an employee for a particular position.

Average training time depends on the kind of training being provided, for e.g.: HR people are given training for 1 month, technical for 3 months (Basic training)

If existing employees are being given certain training, change in performance measures the success rate of the same.

In scenarios of changing external environment, balance is maintained between employee expectations and market expectations. For instance, at the time of 2008 recession they took up the policy of NO LAYOFFS, NO INCREASE IN SALARY, NO DECREASE IN SALARY

To keep your employees motivated and aligned with the goals of the organisation, the following activities are undertaken: Directions, Town hall, Team off sites, Team building activities, Friday Fundoos, Smart service desk.

To maintain the employee turnover ratio, the HR department makes sure that an adequate amount of manpower is maintained in the organisation. To reduce the number of people leaving the organisation, these following steps are taken: Training programs, Friendly and conducive working environment in the organisation, Work life balance, Job rotation offers, Maintaining compensation plans, Accommodation for staff.

In future the HR believes that "The Human Resource" department would expand its functions in other areas related to BUILDING EMPLOYEE CURRIES GRAPHS. In TCS curries related

decisions for the employees are taken by the Volume and Development department. The employee career graphs are also maintained by the same department.

The HR department will try and take up all the aspects related to the employees of the organisation under them so that they could do the 360-degree development of the employees.

The HR practices taken up by the TCS HR department has created a benchmark around the world, with the 'Employee First' thinking undertaken in the organisation.

9. Based on your personal experiences, list 5 examples showing how you used (or could have used) human resource management techniques at work or school.

I was selected to be Talent Manager in AIESEC in Rwanda, the national branch of AIESEC. AIESEC is a global youth-run organisation that offers young people a chance to develop their leadership potential by volunteering or interning abroad. At the time, AIESEC in Rwanda had declining membership and a low retention rate, which affected the organisation's performance. Tasked with the responsibility of onboarding new members and ensuring their retention in the organisation, I began my tenure by 1. conducting a comprehensive analysis of the entire recruitment process. I identified that poor candidate experience and inefficient screening processes were the main hindrances of positive outcomes of the recruitment process. 2. I also conducted a market survey that helped me identify that the primary recruitment strategy through social media, used over the past three years, was ineffective as most members who had joined the organisation did so through referrals. In response, 3. I formed a recruitment team and trained them to conduct interviews, shortlist suitable candidates and oversee the onboarding process. In addition to this, 4. I designed a resume screening process that ensured that the recruitment team could identify relevant profiles faster and with ease. 5. I also implemented a rewards system to incentivise the members to refer their friends to apply to join the organisation. I implemented monthly one-on-one performance reviews for the members and a rewards and recognition program to improve the retention rate of members. As a result, we recruited 60 new members into the organisation by having two separate recruitment drives, each done held before the operational peaks in Summer and Winter, marking a 40% growth in the membership capacity and recorded an annual retention rate of 50% as half of the members took up new roles in the organisation in the following year.

Jack Nelson Problem (CASE STUDY 1)

1. What do you think is causing some of the problems in the bank's home office and branches?

Since employee turnover is high, there definitely has to be a problem in the employees' dissatisfaction with their work. The reasons for this dissatisfaction can range from a low salary to a bad work environment. There are three problems I have identified to be causing the problems in the bank

Firstly:

In one of the branch offices, the supervisor stated that "with customers to see and loans to be made, she had little time to work with the new employees as they came and went." This means that training is inadequate, and the employees are less equipped with the knowledge and expertise needed to be successful. This as a result, Ruth Johnson did not know the name of the machine or its functionalities, although she used it for two months. With proper training and orientation, Ruth Johnson will be clear about her job and responsibilities.

Secondly:

There is a lack of communication between the home office and the branches and among supervisors and employees. The branch office hired employees without communication with their home office (there was no standardization of the recruitment process in the organization)The employee turnover was high during the past eight years, as a result, the supervisor tried to find a suitable employee to replace the worker who had quit without any standardization or rules to recruitment.

Thirdly:

the bank home office does not have the human resources department which can reduce the issues regarding employees among the branches and home office.

2. Do you think setting up an HR unit in the main office would help?

Setting up an HR unit at the main office is definitely helpful. Where the main purpose of why HR department is available in a company is because they are in charge of all employees by recruiting, provide training, appraising and compensating them. It can create a company-wide set of standards for employees that would fulfill the needs of the firm. In the passage, it was stated that employees are hired without communication with the home office or other branches. This means they lack a universal definition of what is required from an employee - this disorganization is detrimental to the company as a whole. With an HR unit standardizing the job description and the qualifications needed from an employee, it could find better candidates, thus lowering the turnover rate.

3. What specific functions should an HR unit carry out? What HR functions would then be carried out by the bank's supervisors and other line managers?

The HR unit could be in charge of recruiting and lead the initial screening process. It could screen through the resumes and even phone interviews. By upholding a standardized set of required qualifications, it could weed out the employees that would not be a good fit for the company. The shortlisted candidates would then be given to the supervisors and line managers to make a final selection through a second-round of interviews. This helps the supervisors because judging from the passage, they seem to be very busy and it would be more time-efficient with a smaller pool of candidates to choose from.

Another specific function the HR unit can carry out is a well-organized training procedure or orientation that works to inform the newly hired employees of company knowledge and insight of the company from a bigger picture. After the training, lines managers can then fill the employees in on their specific roles. Here, the training serves to set a strong foundation for the needed expertise.

In terms of the role of the internet, it can be that link that connects the different branches and universalizes employee standards. This includes web pages on what is expected of an employee such as moral conduct, company policies, and even overall knowledge of the company. The internet also can be used as an outlet for training - online streaming or even teleconferencing would be helpful ways to serve as a medium for training. The internet can finally be used to find prospective candidates with the emergence of social media, and HR can use it to gain maximum exposure to good prospects.

Carter Cleaning Company (CASE STUDY 2)

1. Make a list of five specific HR problems you think Carter Cleaning will have to grapple with.

- a) High Turnovers:

One of the HR issues that the case deals with is high employees' turnover rate. As mentioned in the case, the nature of job does not require higher skills and therefore most of the employees are unskilled. These employees look for similar but better jobs in the market that provide them higher pay. They tend to switch their job quite frequently leading to high turnovers.

- b) Low job performance due to lack of training:

Since most of the workers are unskilled and the company does not have a separate HR department for better selection of employees and training them, the performance level was satisfactory but not the best. In other words, the employees were not performing at their peak level. Further efficiency could be brought in with proper training which seems to be lacking here.

- c) Increased Employees' Dissatisfaction:

Absence of proper training and supervision to the subordinate's work might cause the employees to lack the knowledge of what exactly they are supposed to do and how. The repetitive task with lower pay and higher workload might create discontentment within themselves which also increases their dissatisfaction and grievances.

- d) Poor Management & Communication Issues :

As it is stated in the case, each department employees seem to be highly dependent on their managers. If these managers lack proper job description, then this might lead to the fact that all the subordinates will not be motivated or determined to work as required by the job. Also they might need to set up a communication standard between it various branches so as to develop effective communication system within them.

e) Higher Chances for Violation of HR Rules:

They might also have to grapple with work standards, workplace ethics, legal issues and fair hiring practices to avoid the discrimination in work. If these issues are not properly handled, there are higher chances of HR rules being violated. Higher competition is also a great concern for them.

2. What would you do first if you were Jennifer?

If I was Jennifer, the first thing I would do is meet discuss with my father about how HR related tasks were done in the company before she came. Then, I would call for a meeting or survey the employees to understand what are their concerns and wants. I would then develop a strategic plan on how to motivate the managers and how to make them motivate the lower level staffs, after a proper analysis of data. I would also develop training opportunities for new jobs as well as old ones so as to ensure that every employee know how to make their part of work done more efficiently and develop a recruiting process too. After speaking with managers and her father about what the employees need to be successful I would then run an ad for a hiring event, to have candidates come in to the stores and see what motivates them to work.

CHAPTER 2

1. Present a summary of what employers can and cannot legally do with respect to recruitment, selection, and promotion and layoff practices.

Recruitment Do not

1. Relying on word of mouth.
2. Providing misleading information.
3. Using 'male' or 'young' in help wanted ads.

Selection Standards Do not

1. Using educational requirements that are not jobrelated to exclude groups, including test.
2. Preference to relatives.
3. Requiring certain height, weight or physical characteristics.
4. Asking health questions.
5. Asking about arrest records in order to disqualify.
6. Using application to glean unnecessary information.
7. Requiring inappropriate uniforms.

Promotion & Layoffs Do not

1. Reject employees with tattoos and body piercings.

2. Explain the Equal Employment Opportunity Commission enforcement process.

The U.S. Equal Employment Opportunity Commission (EEOC) is the agency responsible for enforcing federal laws regarding discrimination or harassment against a job applicant or an employee in the United States. The EEOC was formed by Congress to enforce Title VII of the Civil Rights Act of 1964, opening its door for business on July 2, 1965. The enforcement process is as follows;

1) File charge: The process begins with someone filing a claim. Under CRA 1991, the discrimination claim must be filed within 300 days (when there is a similar state law) or 180 days (where there is no similar law) after the alleged incident took place (two years for the Equal Pay Act). The filing must be in writing and under oath, by (or on behalf of) either the aggrieved person or by a member of the EEOC who has reasonable cause to believe that a violation occurred.

2) Charge Acceptance: The EEOC's common practice is to accept a charge and orally refer it to state or local agency on behalf of the charging party. If the agency waives jurisdiction or cannot obtain a satisfactory solution, the EEOC processes it upon the expiration of the deferral period without requiring the filing of a new charge.

3) Serve Notice: After a charge is filed (or the state or local deferral period has ended), the EEOC has 10 days to serve notice on the employer. Figure summarizes important questions an employer should ask after receiving a bias complaint from the EEOC. They include, for example, "To what protected group does the worker belong?"

4) Investigation / Fact Finding Conference: The EEOC then investigates the charge to determine whether there is reasonable cause to believe it is true; it has 120 days to make this determination. Early in the investigation the EEOC holds an initial fact finding conference – it calls these informal meetings aimed at defining issues and determining if there’s a basis for negotiation. However, the EEOC’s real emphasis here is often on settlement. Its investigators use the conference to find weak spots in each party’s position to use as leverage to push for a settlement.

5) Cause / No Cause: If in the course of the investigation no reasonable cause is found, the EEOC must dismiss the charge, and must issue the charging party a Notice of Right to Sue. The person then has 90 days to file a suit on his or her own behalf.

6) Conciliation: If the EEOC does find cause, it has 30 days to work out a conciliation agreement. The EEOC conciliator meets with the employee to determine what remedy would be satisfactory and then tries to negotiate a settlement with the employer. If both parties accept the remedy, they sign and submit a conciliation agreement to the EEOC for approval. If the EEOC cannot obtain an acceptable conciliation agreement, it may sue the employer in a federal district court. The EEOC is also experimenting with using outside mediators to settle claims in selected cities (more on this in a moment).

7) Notice to Sue: If this conciliation is not satisfactory, the EEOC may bring a civil suit in a federal district court, or issue a Notice of Right to Sue to the person who filed the charge.

3. List five strategies for successfully increasing diversity of the workforce.

A diverse and inclusive workforce is a source of competitive advantage and a key enabler of growth. To help you develop the best action plan improve employee engagement through diversity-focused initiatives and operational processes for your workforce, here are five clear ways;

1. Educate Managers on the Benefits of Diversity in the Workplace

The relationship between managers and employees is a critical one. Most people quit their jobs specifically because of a disconnect with their managers. Do not assume that managers understand the importance of workplace diversity, or that they know how to hire and manage a diverse group of employees. Empower them with the skills necessary to grow and nurture a diverse team. Scheduling cultural and other sensitivity training is a great first step. Also, assess reporting structures and employee feedback mechanisms to ensure there is a clear, communication channel between managers and their direct reports. When workplace diversity is celebrated, and management is empowered with the appropriate resources, the potential of your workforce becomes unlimited.

2. Create More Inclusive Workplace Policies

As you move to become a more diverse organization, do a deep-dive of your current practices, and conduct a comprehensive evaluation of your workplace. Facilitating workplace diversity may mean creating new policies or amending current ones system-wide, from recruitment to performance evaluations and promotions. For example, when posting job openings, position descriptions should be tailored to reach broader audiences. Consider posting these position

descriptions and sending recruitment specialists to a wider range of job fairs, community hiring offices, and outreach programs.

3. Communicate Clearly and Create Employee-Led Task Forces

Creating workplace diversity policies is not enough. Clear communication and follow-through is necessary to ensure initiatives are effective. That means policies should reflect the unique needs of everyone in your organization. Employees should feel comfortable coming to their managers with any concerns, especially about their treatment in the company due to their gender, ethnicity, sexuality, age, or other factors. Managers should feel confident in their internal communication with employees by avoiding making any assumptions and using inclusive language. This is a great initial way for managers to set up open and respectful internal communication channels. Regularly ask for feedback from your diverse workforce and create dedicated diversity task forces with team members from every department for candidate recruitment and training. This ensures transparency as well as ownership and buy-in from the whole team. Recognizing that not everyone feels comfortable speaking up through traditional internal communication channels, these task forces can assist with ongoing efforts in strengthening workplace culture and employee engagement for everyone.

4. Offer Meaningful Opportunities for Employee Engagement

If your company has multiple locations, consider allowing employees to visit other locations in another city, state, or country. Poll your workforce with an employee survey to find out where they like to spend free time or volunteer, and arrange both work-based activities and external employee engagement outings. Additionally, they are able to see how other locations deal with similar problems and situations in a completely different way. This may encourage your employees to learn to think outside the box—and bring that thinking back to their own teams.

5. Create Mentorship Programs

Hiring a diverse workforce is important, but mentorship programs are a key component of workplace diversity programs to ensure that everyone has the opportunity to advance. Employees with high potential should be offered mentors regardless of their age, race, sex, or other factors. If a company-sponsored mentorship program is not feasible for a company, there are other ways of providing similar opportunities, including:

- Support professional development opportunities by contributing to employees' continuing education. The more they know the happier they are and the more productive they are as employees.
- Connect employees to outside resource groups, like those dedicated to young professionals and women's leadership.
- Make sure your leadership team reflects diversity as well by hiring and promoting diverse candidates into those roles.

While these are all great ways to promote workplace diversity, it is always important to set a good example from the top down. When the top management is directly involved in workplace diversity programs or initiatives to improve inclusion, employees take notice.

4. What is Title VII? What does it state?

Title VII is a provision of the Civil Rights Act of 1964 which prohibits discrimination in virtually every employment circumstance on the basis of race, color, religion, gender, pregnancy, or national origin. Specifically, it states that it shall be an unlawful employment practice for an employer:

1. To fail or refuse to hire or to discharge an individual or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.
2. To limit, segregate, or classify his or her employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of such individual's race, color, religion, sex, or national origin.

5. What important precedents were set by the Griggs v. Duke Power Company case? The Albemarle v. Moody case?

Griggs v. Duke Power pioneered disparate impact as a legal claim under Title VII of the Civil Rights Act of 1964. The case was originally applauded as a win for civil rights activists. However, over time federal courts have increasingly narrowed its usage, creating restrictions for when and how an individual can bring a disparate impact lawsuit. In *Ward's Cove Packing Co., Inc. v. Antonio* (1989), for example, the Supreme Court gave plaintiffs the burden of proof in a disparate impact lawsuit, requiring that they show specific business practices and their impact. Plaintiffs would also need to show that the company refused to adopt different, non-discriminatory practices.

In the *Albermarle v. Moody* case, the Supreme Court of the United States held that backpay should have been denied only for reasons that would not frustrate Title VII's purposes of eradicating discrimination and making victims whole. The Court found that petitioners' lack of bad faith was not sufficient reason for denying backpay. Legislative intent was to model Title VII on the labor law rule that a finding of discriminatory discharge presumptively proves that back pay is owed. The Court vacated the judgment and remanded for determination of whether respondents' delay in requesting backpay was prejudicial. The Court also remanded for determination of whether criteria considered in pre-employment tests were sufficiently related to petitioner's legitimate interest in job-specific ability to justify a testing system with a racially discriminatory impact. Title VII forbids the use of employment tests that are discriminatory in effect unless the employer meets the burden of showing that any given requirement has a manifest relationship to the employment in question.

6. What is adverse impact? How can it be proven?

Adverse impact occurs when a decision, practice or policy has a disproportionately negative effect on a protected group, even though the adverse impact may be unintentional. The EEOC guidelines and the Uniform Guidelines on Employee Selection Procedures define adverse impact as "a substantially different rate of selection in hiring, promotion or other employment decision

which works to the disadvantage of members of a race, sex or ethnic group." When adverse impact exists, an organization may be vulnerable to charges of discrimination.

The Uniform Guidelines have adopted a practical means of determining adverse impact in a selection procedure. This rule established by the Uniform Guidelines is known as the "4/5ths" or "80 percent" rule. To determine whether a selection procedure violates the 4/5ths or 80 percent rule, the selection rate (or passing rate, where applicable) for the group with the highest selection rate is compared to the selection rates for the other groups. If any of the comparison groups do not have a passing rate equal to or greater than 80 percent of the passing rate of the highest group, then it is generally held that evidence of adverse impact exists for the particular selection procedure.

A four-step process determines adverse impact:

1. Calculate the rate of selection for each group (divide the number of persons selected from a group by the number of applicants from that group).
2. Determine which group has the highest selection rate. For positive personnel transactions, the highest rate is the most advantageous. For negative personnel transactions, the most favored group has the lowest rate.
3. Calculate the impact ratios by comparing the selection rate for each group with that of the highest group (divide the selection rate for a group by the selection rate for the highest group).
4. Observe whether the selection rate for any group is substantially less (i.e., usually less than four-fifths or 80 percent) than the selection rate for the highest group. If it is, adverse impact is indicated in most circumstances

7. Explain the defenses and exceptions to discriminatory practice allegations.

An employer can claim that the employment practice is a bona fide occupational qualification (BFOQ) for performing the job.

Age As A BFOQ The Age Discrimination in Employment Act (ADEA) permits disparate treatment in those instances when age is a BFOQ. For example, age is a BFOQ when the Federal Aviation Administration sets a compulsory retirement age of 65 for commercial pilots. Actors required for youthful or elderly roles suggest other instances when age may be a BFOQ. Employers who use the BFOQ defense admit they base their personnel decisions on age. However, they seek to justify them by showing that the decisions were reasonably necessary to normal business operations (for instance, a bus line arguing its driver age requirement is necessary for safety).

Religion As A BFOQ Religion may be a BFOQ in religious organizations or societies that require employees to share their particular religion. For example, religion may be a BFOQ when hiring persons to teach in a religious school. However, remember courts construe the BFOQ defense very narrowly.

Gender As A BFOQ Gender may be a BFOQ for positions like actor, model, and restroom attendant requiring physical characteristics possessed by one sex. However, for most jobs today, it is difficult to claim that gender is a BFOQ. For example, gender is not a BFOQ for parole and

probation officers. It is not a BFOQ for positions just because the positions require lifting heavy objects. A Texas man filed a discrimination complaint against Hooters of America. He alleged that one of its franchisees would not hire him as a waiter because it “. . . merely wishes to exploit female sexuality as a marketing tool to attract customers and insure profitability.” Hooters defended its right to hire only women before reaching a confidential settlement.

National Origin As A BFOQ A person’s country of national origin may be a BFOQ. For example, an employer who is running the Chinese pavilion at a fair might claim that Chinese heritage is a BFOQ for persons to deal with the public.

8. What is the difference between affirmative action and equal employment opportunity?

In the shortest form, the key difference between affirmative action and equal employment opportunity is that affirmative action focuses on discrimination against minorities, whereas equal employment opportunity focuses on discrimination against anyone.

Moreover, equal employment opportunity is widely used, and it is a universally accepted concept. On the other hand, affirmative action has gone through numerous legal conflicts and is still debatable in some countries. Some countries like Sweden and the UK have even declared that affirmative action is unlawful. Furthermore, affirmative action is designed based upon historical information whereas equal employment opportunity is a general policy which does not involve historic information. Besides, the affirmative action varies from place to place depending on minority groups whereas equal employment opportunity does not have such deviation. So, this is another difference between affirmative action and equal employment opportunity. Also, in order to promote affirmative action, financial aids like funds, scholarships are organized for minorities while such requirements are not seen in equal employment opportunity.

Furthermore, affirmative action is mainly considered and given priority in recruitment process whereas equal employment opportunity is considered not only in recruitment but also in employee confirmation, performance evaluation and career development.

9. Respond to the following three scenarios based on what you learned in this chapter. Under what conditions (if any) do you think the following constitute sexual harassment? (a) A female manager fires a male employee because he refuses her requests for sexual favors. (b) A male manager refers to female employees as “sweetie” or “baby.” (c) A female employee overhears two male employees exchanging sexually oriented jokes.

All three scenarios indicate sexual harassment. Sexual harassment comprises of a number actions not only restricted to quid pro quo. It could either be verbal/written, physical or visual. A male manager referring to a female employee as “sweetie” or “baby” can make the female employee uncomfortable hence impact her general performance at the job whereas two male employees exchanging sexually oriented jokes is very dangerous to the work environment. Such jokes can create a hostile environment for employees. The questionable behavior does not have to come

from the person's supervisor, colleagues and other employees of an organization can all be culprits of sexual harassment.

10. Assume you are the manager in a small restaurant. You are responsible for hiring employees, supervising them, and recommending them for promotion. Make a list of potentially discriminatory management practices you should avoid.

1. Stereotyping
2. Playing favorites
3. Respect cultural and racial differences in the workplace.
4. Be professional in conduct and speech.
5. Refuse to initiate, participate, or condone discrimination and harassment.
6. Avoid race-based or culturally offensive humor or pranks. When in doubt, leave it outside the workplace.
7. Familiarize yourself with the company's workplace policies and act responsibly.
8. Age discrimination
9. Pay discrimination
10. Pregnancy discrimination

An Accusation of Sexual Harassment in Pro Sports (CASE STUDY 3)

1. Do you think Ms. Browne Sanders had the basis for a sexual harassment suit? Why or why not?

No because there were limited facts presented at the trial. First of all, Ms. Browne Sanders stated the sexual harassment took place for two years hence she should have documented the incident rather than waiting too long to report it. In my opinion, she was disappointed that the Garden failed to fulfil professional responsibilities to investigate the incident. Based on her testimony and lack of witnesses, this seems more of a retaliation of getting her fired.

2. From what you know of this case, do you think the jury arrived at the correct decision? If not, why not? If so, why?

I believe the jury made a wrongful decision.

To begin with, there was no proof of sexual harassment. It was Ms. Browne's word against Mr. Thomas. If I were to be awarding \$11million, I would need proof that this happened either by voice recording, more than a couple witnesses. The Garden is a large organization and over two years there should have been more co-worker witnesses.

3. Based on the few facts that you have, what steps if any could Garden management have taken to protect themselves from liability in this matter?

The Garden should have proper documentation regarding her Job performance. Documentation could consist of written warnings, job evaluations, or simple documented discussions, presence of a witness to help with documentation. If the Garden really had a case, I believe that they could have had more reliable witnesses. I am sure considering her role, Ms. Browne worked with many people and vendors.

4. Aside from the appeal, what would you do now if you were the Garden's top management?

In my position as a top manager at the Garden, I would put a positive press release about employee's treatment at the organisation. I would try to boost employee morale by providing them with motivational speakers and knowledge on Equal Employment. Furthermore, I would review the human resource policy manual for up-to-date policies and procedures. Ensure there is proper employee complaints system in place and steps to take on how to react and respond. Lastly, conduct trainings on Sexual Harassment Ethics.

5. "The allegations against the Madison Square Garden in this case raise ethical questions with regard to the employer's actions." Explain whether you agree or disagree with this statement, and why.

I agree with the statement.

How you fire an employee sends a powerful message to the rest of your staff. Did the employer try to improve the employee's performance? Where is the documentation of her lacking

performance? Did her supervisor set goals, establish measures, conduct review sessions and chart any progress? Clearly there was lack of communication or it was retaliation.

If an employer has taken all the possible steps to help an employee improve their work performance, it may be time to fire them when there is no progress. However, although firing an employee is not illegal, filing a harassment complaint after makes it look devious.

Carter Cleaning Company (CASE STUDY 4)

1. Is it true, as Jack Carter claims, that “we can’t be accused of being discriminatory because we hire mostly women and minorities anyway”?

This is not true at all. Employers can be accused of discriminatory practices at any time. In this case, female applicants were being asked questions about childcare that males were not being asked; minority applicants were being asked questions about arrest records and credit histories that non-minorities were not. In addition, the reports of sexual advances towards women by a store manager and an older employee’s complaint that he is paid less than younger employees for performing the same job all raise serious issues in terms of discriminatory employment practices. Potential charges include Title VII violations, Equal Pay Act violations, age discrimination, sexual harassment, and disparate treatment.

2. How should Jennifer and her company address the sexual harassment charges and problems?

The first step would be to document the complaint and initiate an investigation. If the investigation finds that sexual harassment occurred, then take the appropriate corrective action which could include discipline up to and including discharge. In addition, the company should develop a strong policy statement and conduct training with all managers.

3. How should she and her company address the possible problems of age discrimination?

The company should review the compensation structure and pay rates to determine whether there is discrimination in their pay system with regard to older workers being paid less than younger workers for performing the same work. If there are significant differences, then adjustments should be made to the pay system in order to rectify the problem.

4. Given the fact that each of its stores has only a handful of employees, is her company in fact covered by equal rights legislation?

Yes – the Equal Employment Opportunity Commission (EEOC) enforces equal employment compliance against all but the very smallest of employers. All employees including part-time and temporary workers are counted for purposes of determining whether an employer has a sufficient number of employees. State and local laws prohibit discrimination in most cases where federal legislation does not apply.

5. And finally, aside from the specific problems, what other human resource management matters (application forms, training, and so on) have to be reviewed given the need to bring them into compliance with equal rights laws?

The company should do several things:

1. Develop an employee handbook that contains policy statements about equal employment opportunity, sexual harassment, and other issues.
2. Develop an employment application that is free from discriminatory questions, as well as a standard interview guide to ensure consistency of “legal” questions from candidate to candidate.
3. Conduct supervisory/management training to ensure that all managers are educated and aware of their responsibilities under EEO laws and regulations.
4. Develop and implement a complaint procedure and establish a management response system that includes an immediate reaction and investigation by senior management.

Despite nearly 30 years of equal employment opportunities legislation, however, unfair discrimination remains prevalent. So, pay differentials between male and female employees continue to exist. Some groups, particularly women and ethnic minorities still remain under-represented in certain industries and at senior levels of organizations (Dickens, 2000:141)

Bibliography

1. Biswajeet Pattanayak (2005), Human Resource Management, Prentice Hall of India Pvt. Ltd., New Delhi.
2. DeNisi, A., Griffin R. (2008), Human Resource Management, Second Edition, Biztantra Publications, New Delhi
3. "TYPES OF AUTHORITY: LINE & STAFF ROLES." MANAGEMENT INNOVATIONS. N.p., 18 Dec. 2008. Web. 30 May 2017. <<https://managementinnovations.wordpress.com/2008/12/18/types-of-authority-line-staff-roles/>>.
4. "The Advantages of the Line & Staff Organizational Structure." Chron.com. N.p., n.d. Web. 30 May 2017. <<http://smallbusiness.chron.com/advantages-line-staff-organizational-structure-3724.html>>.
5. Griggs v. Duke Power Co., 401 U.S. 424 (1971).
6. Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989).
7. Fundamentals of Human Resource Management Gary Dessler Third Edition