



# LESSON 1

## A GUIDE TO EMPLOYMENT LAW: NAVIGATING THE LEGAL LANDSCAPE

### Introduction: Staying on the Right Side of the Law

The hiring process is governed by a complex web of federal, state, and local laws. Navigating this legal landscape can be daunting, but it is absolutely essential for protecting your organization from costly lawsuits and for ensuring a fair and equitable hiring process for all candidates. This lesson will provide a high-level overview of the key employment laws that impact the hiring process in the United States.

Disclaimer: This information is for educational purposes only and does not constitute legal advice. It is essential to consult with a qualified legal professional to ensure your hiring practices are in full compliance with all applicable laws.

### Key Federal Employment Laws

#### **Title VII of the Civil Rights Act of 1964**

Prohibits employment discrimination based on race, color, religion, sex, and national origin.

#### **The Age Discrimination in Employment Act (ADEA)**

Protects individuals who are 40 years of age or older from employment discrimination based on age.

#### **The Americans with Disabilities Act (ADA)**

Prohibits discrimination against qualified individuals with disabilities and requires employers to provide reasonable accommodations.

## The Equal Pay Act (EPA)

Requires that men and women in the same workplace be given equal pay for equal work.

## The Immigration Reform and Control Act (IRCA)

Requires employers to verify the identity and employment eligibility of all new hires by completing the Form I-9.

## State and Local Laws

In addition to these federal laws, many states and cities have their own anti-discrimination laws that provide even greater protection to employees. For example, some states prohibit discrimination based on sexual orientation, gender identity, or marital status.

### “Ban the Box” Laws:

A growing number of states and cities have passed “ban the box” laws that prohibit employers from asking about a candidate’s criminal history on the initial job application. The goal of these laws is to give individuals with criminal records a fair chance to be judged on their qualifications.

### Salary History Bans:

Many states and cities have also passed laws that prohibit employers from asking candidates about their salary history. The goal of these laws is to help close the gender pay gap.

## The Importance of Documentation

In the event of a legal challenge, your best defense is a well-documented hiring process. This is why it is so important to:

- Use a structured, consistent hiring process for all candidates.
- Base your decisions on objective, job-related criteria.
- Keep detailed and accurate records of your hiring decisions.

## Activity: The Legal Hot Seat

Working in a small group, review the following scenarios and discuss the potential legal risks involved.

- An interviewer asks a female candidate, “Do you have children?”
- A company has a policy of only hiring people who are fluent in English, even for jobs that do not require it.
- A hiring manager decides not to hire a candidate because they seem “too old” for the job.
- An interviewer asks a candidate in a wheelchair if they will need any special accommodations.

Be prepared to share your analysis with the larger group.