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American Employment-Related Laws and Regulation



In the United States, the employment law comprises of a common law rulings, administrative rules, statutes and legislations. Its governance is under judicial precedent and administrative regulation as well as state and federal statutes. If an employee files claims, such as workers' compensation, workers' discrimination and unemployment compensation, the claims fall under the Employment Law. Evidently, the Employment Law takes into consideration the actions, responsibilities and rights of the employer and employee. As such, overseeing the workplace standards and safety, retirement and pensions, fair wages and employee benefits all fall under this legal arena and Pomodoro Inc. needs to comply with for their business to thrive in the United States.

— Wages and Hours

The Fair Labor Standards Act stipulates the standards for the overtime and wages compensation, affecting most public and private compensation. This act is enforced by the wage and hour division. The law necessitates that covered employees are compensated with the federal minimum wage as well as one and half times the regular pay for overtime. For the nonagricultural operations, the law restricts the number of hours for children under the age of 16. Moreover, it forbids their employment in the agricultural operations during the school hours and at the jobs regarded as dangerous. In addition, it prohibits the employment of persons below 18 years.

Besides, the wage and hour division administers labor standards provisions for Immigration and Nationality Act, which covers the aliens permitted to work in the United States under particular visa programs including H-1B, H-1B1 just to mention a few.



— Workplace Safety and Health

The Occupational Safety and Health Act is enforced by Occupational Safety and Health Administration. The act gives specific workplace safety standards. Additionally, it limits the amount of time for employees' exposure to certain chemicals as benzene. The act also offers protection to the whistleblowers and allows employees to decline the work under conditions that they deem harmful to their health. The act allows states to administer OSHA in their operations as long as they offer employee protection as required by the federal law.

— Employee Benefit Security

The Employee Retirement Income Security Act administers standards for funding as well as the operation of health care plans and pension offered to the employees by their employers. In addition, it regulates the administration of this plans and the types of health care coverage provided. Besides, it obstructs any state law used by the employer to discriminate his/her employees from enjoying the benefits entitled to them or retaliating against them for fighting for their rights.

— Employment Discrimination Law

The law prohibits any form of employment discrimination other than the protected category. Employment discrimination is prohibited by the federal law in several departments including hiring, promotion, interview, recruiting, training, disciplinary action and compensation.



Under the federal law, the employer is prohibited from discriminating the employee on the following basis: religion, race, nationality, age, sex, citizenship or bankruptcy.

— Sexual Harassment Law

In workplace, sexual harassment is against the law and the United States Department of State ensures that credible allegations meet proper corrective action. Sexual harassment, which is a form of harassment at the work place, can encompass unwanted sexual advances, physical or verbal harassment that are of sexual nature, and asking for sexual fav. However, these are considered to amount to sexual harassment if:

- a. The unwanted conduct unjustly affects a person's job performance or results to a work environment that is unfriendly, intimidating or offensive;
- b. An employment verdict affecting a person is made depending with his/her decision to the unwelcome behaviour.

Specific behaviors including promotions, giving awards among other employment benefits based upon approval of the unwanted conducts are wrong and prohibited by the standards outlined in the Civil Service Reform Act of 1978.

The Department of State has a responsibility to ensure that matters relating to sexual harassment are investigated thoroughly, and it takes urgent and effective measures in case such allegations are proven credible. The Office of Civil Rights (S/OCR) has been charged with the role of managing investigations or looking into allegations of sexual harassment.



The office is dedicated to making certain that such investigations to such claims are performed in a comprehensive, timely and unbiased manner.

Resolutions for sexual harassment can be pursued in various ways. These include grievances, mediation, Equal Employment Opportunity (EEO) processes, or Processes for Foreign Service Nationals (FSNs).

All employees, encompassing staff, managers, supervisors and other senior executives, just to name a few, are necessitated to abide by this policy. They are required to behave in a professional manner and exercise superior decisions in employment related associations to all the persons they meet with during official duties. Furthermore, employees are supposed to take proper measures in order to avoid sexual harassment, and such behaviours should be prevented before becoming pervasive and violate the law.

— Sexual Harassment Policy of Pomodoro Inc. TO: All Employees

Pomodoro Inc. is dedicated to ensure that it maintains an efficient working environment that is ethically and responsibly managed. To make certain this holds, the company requires being familiar with the guidelines and policies, which prohibit sexual harassment. Conducts that weaken Pomodoro's Inc. capability to manage and lead individuals as required are not acceptable.



Sexual harassment encompasses sexual verbal comments, physical contacts or gestures that are unwanted and interfere with the working environment, or decline or submission impacts to an individual as far as employment decisions are made. Conducts that affect the productivity of an employee, impair their morale or negatively affect job relationships are not welcome and will be deemed to violate the company's ethical conduct. This is the official policy concerning sexual harassment at Pomodoro Inc. Everyone is necessitated to contribute to the promotion of a working environment, where sexual harassment does not exist.

