

Employment Law—A 60-Year Glance

Employment and labor laws and regulations provide a foundation for HR professionals. Sometimes thought of as “necessary evils,” they provide a central structure and, at the same time, make our jobs more complicated. There are times when employ-



ment laws take us far from the issue at hand. Good or bad, they are ours to follow. They will change, and often!

Employment and labor laws are the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, employers, employees, and labor organizations. As such, these rulings mediate many aspects of the relationship between and among employer, employees and Unions. At conception, these laws were a partial solution to the demands of workers for better conditions, the simultaneous demands of employers to restrict the powers of workers' organizations, and to keep labor and associated costs as low as possible.

When teaching HR I lightheartedly refer to the laws that regulate our profession as “alphabet soup,” for to anyone overhearing us discussing them that is what it sounds like. However, employment law is not to be taken lightly. In fact, these laws must be applied in a straightforward manner, and, at times, employed strategically.

When HR/NY became SHRM's first chapter sixty years ago, the Department of Labor, the Social Security Act, the Fair Labor Standards Act and the 5-day workweek were already established, along with other agencies and employment laws. Since that time, new agencies and many more laws have emerged as well as numerous revisions to the existing ones.

Which employment laws have had the biggest impact for HR professionals in the U.S.? The answer differs depending on who you ask. From the perspective of union representatives or members it might be the right to organize. They may deem the Taft-Hartley Act most significant.

Benefits professionals might name the Employee Retirement Income Security Act of 1974 (ERISA); the Welfare and Pension Plans Disclosure Act; and the Revenue Act of 1978 as most important. Others might put the Occupational Safety and Health Act

(OSHA) at the top of the list because it was passed to ensure safe and healthful workplaces.

Rebecca Rosenzwaig, Senior Consultant in International Compensation, points to the areas of international and immigration law as having critical importance. The “requirements for international work authorization have significantly impacted how companies recruit and assign employees internationally,” Rosenzwaig says.



In a brief, informal survey conducted by Navigations for Leadership, LTD, respondents said that what is valued and most renowned are employee rights laws—too numerous to list here. However, think about how the following have affected your work, not just as HR professional but also as employee: Title VII; the Equal Rights Amendment; the Age Discrimination in Employment Act (ADEA); the Rehabilitation Act; the Pregnancy Discrimination Act amendment to Title VII; The Americans with Disabilities Act (ADA); the Family and Medical Leave Act (FMLA); the Health Insurance Portability and Accountability Act (HIPPA); Rights of Same-Sex Couples; Religious and Privacy Rights acts; the Fair Labor Standards Act (FLSA); and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

With each new employee rights law we gain another safeguard. These shields however are sometimes hurdles as well. “The impact of”...these laws...“on the workplace, lawyers and HR professionals has been profound. New and more complex regulations come across our desks daily and

the employment space is one of the most heavily litigated and regulated areas of the law,” says Diane M. Pfadenhauer, SPHR, Esq., President of Employment Practices Advisors, Inc.

Pfadenhauer says that employment lawyers must “guide their clients and HR professionals...to actually take this confusing morass of material and develop proactive workplace policies without stifling creativity and performance.”

What do we do with this cauldron of alphabet soup? We abide by the laws that govern our profession, of course. We also learn to strategically employ them to create win-win workplaces. As important as these laws are, we also need to focus on the everyday matters that preside over the workplace as well as organizational development matters. How do we do this? We juggle. Not an easy task but one I know we are up to.

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