



Learning Activity 11–16: Legal Issues

OBJECTIVE

The objective of this learning activity is to

- ♦ gain understanding of the various legal issues that participants can face in their roles as managers.



MATERIALS

For this activity, you will need

- ♦ Training Instrument 12–13: Test Your Knowledge, one copy for each learner.



TIME

- ♦ 25 minutes

INSTRUCTIONS

1. Distribute copies of Training Instrument 12–13.
2. Give participants 10 minutes to answer the questions.
3. Conduct a debriefing discussion, using these answers to the questions.
4. Be sure to review this information frequently with your legal counsel or human resources department as laws change frequently and new precedents are being set every day.

DISCUSSION QUESTION ANSWERS FOR DEBRIEFING

1. The company is liable in cases of employment law violations, not the manager. False. Not only the company, but the manager can be found liable in employee lawsuits.
2. *Quid pro quo* is a form of sexual harassment. True. *Quid pro quo* (Translation: This for that) means getting consideration in return for sexual favors.

3. Asking only male employees to move heavy boxes could be considered discrimination. True. Certainly male employees often offer to lift heavy items, but it cannot be restricted to them unless it is a specific part of their job description. Remember, anything that singles out different genders, races, backgrounds, and so forth, from others is discriminating behavior.
4. Harassment from customers can be grounds for a harassment claim by an employee. True. Absolutely. An employee should feel safe and comfortable in his or her workplace. Whether harassment comes from another employee, a customer, or even a vendor, it is grounds for a harassment suit.
5. Supervisors should inform upper management about sexual harassment allegations only if they were not able to handle the allegations themselves. False. You're taking on extra liability if you don't forward allegations to human resources or your manager. This information should never stop with you.
6. In a job interview, you can ask a person if he or she has been arrested. False. You can ask if a person has been convicted, but not arrested.
7. In a job interview, you can ask a person if he or she has children. False. It is not relevant. All that is relevant is that the person can commit to the hours and responsibilities of the position.
8. The following question is legal in a job interview: "To what clubs or social organizations do you belong?" False. There may be a bias based on a social organization. You can ask them what professional organizations they belong to because those are directly related to their jobs.
9. The following question is legal in a job interview: "What language did you speak in your home when you were growing up?" False. This forces a person to reveal his or her nationality or ethnic background and cannot be considered in a job interview.
10. It is the impact, not the intent of actions that matters in harassment cases. True. This is one of the most important things to keep in mind. It doesn't work to say "I was just joking" or "That's not how I meant it." Your intent doesn't matter. It's how the other person receives the message or action. When in doubt, don't say or do it!