

Employment Law Trends

Here are a few legal trends that should be on every employers mind.

Shanti Atkins, Esq., President and CEO of ELT, detailed the following top legal trends.

Sexual Orientation, Religious and Disability Discrimination. While many employers only train on sexual harassment, discrimination trends are moving farther away from just sex-based claims. Comprehensive anti-harassment and anti-discrimination policies and training, covering all forms of unlawful harassment, discrimination and retaliation are crucial:

- ✘ Sexual orientation is not a federally protected category and only 21 states and the District of Columbia offer this protection. This means that employees in 29 states that don't offer discrimination protections can legally be fired, harassed and paid less, lose a promotion and more.
- ✘ Religious discrimination charges rose almost 11 percent from 2009 to 2010 according to the EEOC. With tensions at a tipping point involving Muslims in the US, a record number of Muslim workers are claiming that have been victims of employment discrimination.
- ✘ Disability discrimination charges hit a record high last year, with just over 25,000 claims. The Americans with Disabilities Act make it far easier to declare viable claims of disability harassment. In fact, most employers and managers know very little about the ADA and often associate it with the FMLA and Worker's Compensation.

Discrimination trends are moving farther away from just sex-based claims, and training across all areas of harassment is crucial.

Violence and Bullying. Twenty percent of all violent crime in the US occurs in the workplace – approximately 1.7 million employees are injured yearly because of workplace assaults. Left unchecked, bullying can quickly escalate into more violent behaviors and into unlawful harassment, exposing your organization to significant legal risk. Most workplace violence is preventable. Spotting warning signs, knowing how and when to report concerns and knowing what to do if you find yourself in a potentially violent situation is key. Employers should look at all their policies to ensure they support the organization's anti-violence and bullying stance.

Wage and Hour. The number one employment law risk, wage and hour class action lawsuits, are exploding and outpacing all workplace discrimination claims combined. These claims now account for an astonishing 84 percent of all employment class-action filed. The Department of Labor (DOL) estimates that more than 80 percent of employers are out of compliance with federal and state wage and hour laws. Wage and hour claims are easily preventable; however this is an area where employees and managers don't know the rules. All parties should review pay practices and policies to make sure workers are properly paid.