Law and International Law

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# Discussion Question Part 1

## Scenario 1 – Discrimination

In this case, an argument can be made that discrimination has been made based on the sexual orientation and gender of a person. Despite the fact that the person who has been involved brings about greater degree of experience as well as the expertise, they are not being given the job. The argument is that the transgender is not going to be considered for the position is not implicitly told so that makes it all the more easier for the legal case to be filed. Now, the legal status of the discrimination is quite clear in this case and the Federal Law of employment discrimination in Alabama makes it quite clear that such an offense is not going to be allowed. The way functionality of the law operates, the employee cannot be subjected to any discrimination and they have to be protected from discrimination not only from the present employees, but the same degree of caution is expected from the former employees as well. Here how the particulars of the law work out.

“Title VII of the federal Civil Rights Act of 1964 prohibits employment discrimination because of race, colour, sex, religion or national origin. This law applies to public employers and private employers with at least 15 employees, employment agencies, apprenticeship programs and unions. 42 U.S.C. section 1981 prohibits all race discrimination in all contracts, even between individuals.”

This law provides protection to the employee if there is a case that they have been made subject of discrimination at the workplace. The workplace structure should be such that the employees should be allowed to work in provision in the manner that their must not be any door closed on them due to their sexuality, or their sexual orientation for that matter. The laws in Alabama are quite clear in this regard. Before one can proceed, it has to be noted that how the anti-discriminatory laws are supposed to be worked out. The idea is that how the laws are going to be changed depending on the fact. There are limited causes of action and in order to make sure that the claim can be made, the necessary filing of the action has to be carried out and the written complaint is needed to be made in case of how the charge of the discrimination and administrative agency is going to be worked out. The person that is claiming the discrimination has to file a complaint to the Federal Equal Employment Opportunity Commission. For example, a policy requiring that employees be a certain height and weight. Such a policy excludes more women than men, more Latinos than others. So, the employer can only continue to use the policy if it can prove that the height and weight requirements are related to the jobs employees perform and are necessary to its business.

# Discussion Question Part II

## Drug Testing

When one talks about the way drug testing is being carried out at the workplace. It has to be noted that there are lines that are needed to be drawn in terms of the right to the privacy and how the right to the professionalism is supposed to be working. Despite the controversy in this regard, it has to be noted that workplace drug testing is needed to be done in many professions. Specially in the ones where margin of error is quite low during the course of the organizational operations such as transportation, medication and construction industry. The business safety in these workplaces is quite important it is quite crucial for the employees to make sure that they are clean in terms of substance abuse and other drug related offenses. The problem is that how the line can be drawn in terms of the usage and abuse, and how the determination and criterion can be set in terms of how it is going to be made sure that the employee performance protocol are going to be setup at the given point of time under any circumstances.

## Employee Usage of the Social Media Policy

This policy provides guidance for employee use of social media, which should be broadly

understood for purposes of this. . One of the thing that is needed to be noted about how the social media usage is supposed to be drawn about is that what is the departmental implications, so at times it can be quite of a challenge to make sure that how the implementation of the social media policy can be carried out. For instance, if one talks about the marketing department, then they have to use social media for different purposes, and it would be quite hard to come up with the blanket social media policy consideration. Furthermore, other thing that has to be kept in mind is that how the quality certifications and data protection protocol of the organization work out when the social media policy of the business is being charted. For instance, ISO certifications imply that there has to be complete embargo when it comes to the usage of the social media websites, while on the other hand, there are some instances when more relaxed usage of the social media is being propagated. So, it all depends on how things work out at the given point of time in terms of what organization is trying to achieve as far as the usage of the social media is supposed to be there.

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