EMPLOYMENT LAW: EMPLOYMENT DISCRIMINATION

90 MINUTES

Jobs and Laws (10 minutes)
Discrimination in the Workplace (30 minutes)
Qualifications (10 minutes)
Is it Fair? Is it illegal? (30 minutes)
Summary (10 minutes)

OUTCOMES

As a result of this session, participants will be able to:

- List various laws affecting the workplace
- Distinguish between legal and illegal discrimination in hiring
- Define "qualifications" for a job
- Discuss legal job-testing of employees
- Identify the ways in which employment laws balance the rights of employers with those of employees

HANDOUTS

1. Laws to Know: Employment Discrimination
2. Is It Fair?

Transparency : Rules for Take a Stand (or you can post these rules if you do not have access to an overhead projector)

REMINDER

If you are a law student, tell participants up-front that you are not a lawyer and cannot give legal advice. Focus on teaching general legal concepts, developing life skills, and directing participants to community and legal resources in the event they have a specific need. Know your state's restrictions on the unauthorized practice of law.

PREPARING TO TEACH

- ☑ Write up and post the session outcomes
- ☑ Cut the "**Laws to Know" Handout** (all three pages) into strips with one type of discrimination per strip.

**You will need one strip per participant, so since there are 9 types, make multiple copies of each strip (2 if you have 18 participants, 3 if 27, etc.) Color-coding the strip can make this activity easier.

- ☑ Write the definitions of "discrimination" from the "Discrimination In the Workplace" section of this lesson and cover.
- ☑ Create two signs: "Fair" and "Unfair".
- ☑ Adapt the laws as indicated in the body of the lesson.
- ☑ Bring markers or pencils for participants.

REVIEW TEACHING STRATEGIES

- Small Groups
- Each one teach one
- Brainstorming

COMMUNITY RESOURCE PEOPLE

For this lesson, it can be helpful to invite a lawyer specializing in employment law, a representative of the Equal Employment Opportunity Commission if there is a regional office near you (for the nearest field office call 1-800-669-4000), or the human resource manager from an area company or organization to help you with this lesson. Send a

copy of the lesson and the "Suggestions for the Community Resource Person" (found in the front section of the manual) when confirming the date and location.

WEB RESOURCES

An excellent source of this information on employment is **www.workplacefairness.org**, which has information and agency contacts for each state. Resources for a variety of questions about employment law can be found at the employment law center at **www.nolo.com.** The American Bar Association has on-line employment law information at **www.abanet.org/publiced/practical/job.html.** The Equal Employment Opportunity Commission's Web site has excellent fact sheets on many types of employment discrimination issues at **www.eeoc.gov.** For a list of exactly what protection your city, county, and/or state gives from sexual orientation discrimination in the workplace, visit the Lambda Legal Defense and Education Fund's "State by State" listing at **www.lambdalegal.org.**

WHAT THE ICONS MEAN

Have the RESOURCE PEOPLE help you with this part of the lesson.

Adapt law, procedure, and/or community resources for your area.

JOBS AND LAWS (10 MINUTES)

1

Review session outcomes with participants.

2

Introduce the community resource person and have her or him briefly describe her or his job. Explain that he or she will be assisting with the day's lesson, but remind the class that the resource person will not be answering questions about individual cases. Instead, the resource person has come to talk about employment law in general.

3

Ask the participants how many of them have applied for a job before. Ask **one or two** people to share using the following prompts:

- What job were you interviewing for?
- Did you have to fill out an application?
- What did it say? What information did you need?

- Did you have an interview?
- Who interviewed you?
- What kinds of questions did the interviewer ask?

Allow participants to describe their experiences without commenting on them. Then tell participants that there are laws that affect many elements of getting and keeping a job. Tell participants that there is no single law of the work place. Instead, there are individual laws — on the local, state, and federal level — that affect just about every aspect of employment. Many of these laws address discrimination, which they will learn about in this session.

DISCRIMINATION IN THE WORKPLACE (30 MINUTES)

1

Ask participants who Martin Luther King, Jr. was. Ask participants what they think the civil rights movement was about. Tell participants that part of the civil rights movement was an effort to eliminate discrimination in the law and that many of the workplace discrimination laws we have today came out of that effort.

2

To begin, write the words "Title VII" and "EEOC" on the board. Tell participants that these are two important terms in the vocabulary of employment discrimination. Ask if anyone has heard of these words. Tell participants what each refers to (do **not** distribute the **Handout 1** yet):

> Handout 1, Laws to Know: Employment Discrimination
>
> Title VII of the Civil Rights Act of 1964 was the first major law to prohibit discrimination in the workplace. It prohibits companies with more than 15 employees from discriminating in the workplace based on race, color, religion, sex, or national origin. This includes hiring, firing, working conditions, and promotion. The Equal Employment Opportunity Commission (EEOC) is the federal agency in charge of enforcing this law.

3

Divide participants into pairs and inform pairs that they will be examining different employment laws. Post the following questions:

- In your own words, what does the law say?

- Who does the law protect?
- Why is this law important?

4

Give each pair a different strip from **Handout 1, Laws to Know: Employment Discrimination**, making sure that each individual has his or her own copy of that pair's strip.

TIP: There are nine discrimination strips from **Handout 1** that should be distributed. If you have fewer than nine pairs, you may have to give several pairs more than one fact strip.

Handout 1, Laws to Know: Employment Discrimination (cont'd)

Some Types of Illegal Discrimination:

#1 Race or Color: Discriminating based on someone's race or skin color is illegal under Title VII of the Civil Rights Act. By outlawing this form of discrimination, Americans are working to overcome our nation's history of racial segregation and slavery.

#2 National Origin and Citizenship Status: It is illegal to discriminate against someone because of the nation or country they or their ancestors came from (because of Title VII of the Civil Rights Act). This includes discriminating against someone because of accent or language, unless it is a job requirement. In most jobs, it is illegal to discriminate against non-citizens. However, if workers cannot prove that they are *either* U.S. citizens *or* have permission to work in the United States they may not legally be hired.

#3 Disability: People who can perform the important tasks of a job cannot be discriminated against because they have a physical or mental disability. This includes people who have learning disabilities or are HIV-positive. The *Americans with Disabilities Act* is the federal law that prohibits companies or organizations with 20 or more employees from discriminating based on disability. It requires that employers give people "reasonable accommodation" to help them do their job effectively. Employees must *request* this accommodation.

#4 Sex: It is illegal to discriminate against someone based on sex (male or female). Title VII of the Civil Rights Act includes protection from discrimination based on sex and the *Equal Pay Act* makes it illegal to pay a person of one sex less money to do the same job. One type of sex discrimination that has been the subject of much attention recently is **sexual harassment**,

which the EEOC defines as "unwelcome sexual advances, request for favors, and other verbal or physical conduct of a sexual nature which takes place in the workplace."

#5 Pregnancy: Congress amended Title VII to make discrimination based on pregnancy or a related medical condition an illegal form of sex discrimination. If the pregnancy makes an employee unable to do parts of her job, the employer must treat her like any other disabled employee. Employers must hold a job for a pregnant woman for the same length of time they would for any illness or disability.

#6 Age: The *Age Discrimination in Employment Act* makes it illegal to discriminate against qualified people who are 40 years of age or older based on their age. It does not apply if age is a valid qualification for the job, like playing a young person in a movie. Employers may require that applicants be at least 18 years old (or a younger minimum age). State child labor laws prevent employers from hiring people below a certain age.

#7 Religion: Title VII of the Civil Rights Act makes it illegal to discriminate in the workplace based on religion, and requires employers to make "reasonable accommodations" for religious practice. There is an exception to this rule for religious organizations, which may consider religion when selecting certain employees.

#8 Sexual Orientation and Gender Identity: As of 2002, 23 states and the District of Columbia, 243 local governments, and over 2,000 companies had made it illegal or against company policy to discriminate against people because they are gay, lesbian, bisexual, questioning their sexuality or believed to be any of these. (Source: *The State of the Workplace,* 2002, Human Rights Campaign) Some localities also include Gender Identity, a category that protects transsexual and transgender people from being discriminated against. The federal government has not, however, passed any laws that protect gay, lesbian, bisexual or transgender people from discrimination in the workplace.

#9 Arrest and Conviction Record: State and local laws are different in this area. Since people of color are arrested at much higher rates than whites, the EEOC has ruled that just being arrested (without being convicted) cannot be used as a basis for not hiring an individual. *Convictions* can be used in making hiring decisions, if it is somehow related to the job. Employers are required to consider the seriousness of the offense, how long ago it happened, and steps toward rehabilitation. People who were arrested as **juveniles** and found **delinquent** have *not* legally been convicted of a crime. In most states, employers may not consider juvenile records in deciding whether to hire someone. Adult records, on the other hand *will* be considered.

Review Handout 1, Laws to Know, and adapt where necessary to your state and local laws.

5

Have pairs familiarize themselves with the information on their strip and be able to answer the posted questions. Inform them that they will have to share this information in the next part and that the point is not to read their strip but to put the facts contained on their strip into their own words so that they can explain the facts to another participant.

6

Tell them they are going to have to walk around the room and find someone from each of the other pairs. When they find someone, they should tell each other the information on their fact strip using the three questions as a guide. After they have both exchanged this information, they should write the pair number on the back of each other's fact strip and move on to find someone else (for example, once you have talked to someone who was responsible for strip #1, find someone who was assigned another strip).

Tell participants they have to find someone from each of the pairs. When they have finished, ask participants to sit down and wait quietly for everyone to finish.

7

When everyone has finished, check to make sure each participant has talked to someone from all nine pairs.

8

Distribute **Handout 1, Laws to Know: Employment Discrimination** to each participant.
Ask participants:

- What did you learn?
- What surprised you?
- What do you think discrimination means?

QUALIFICATIONS (10 MINUTES)

1

Uncover the two definitions you posted at the beginning of the session.

Discrimination: (1) Using good judgment to tell one thing from another; (2) Excluding or subordinating a group of people because its members are different from the main group in some way

2

Ask participants which (of the two dictionary definitions above) they think applies to hiring decisions in the workplace.

3

Tell participants that **both** definitions do.

Read the second definition again and tell participants that type of discrimination includes all of the illegal categories they just discussed.

Ask participants ***why*** they think most of the discrimination that falls under this category is illegal?

4

Write the word "qualifications" on the board. Employers, who must decide if someone has the qualifications to do a job, use the first type of discrimination every day. Ask participants for some examples of qualifications to be a lawyer. (*Answers might include:* a degree from a law school, knowledge about the court system, experience with clients, a can-do attitude).

5

Describe the personal and job qualifications for someone to be hired as a lawyer and answer any questions.

6

Tell participants that discriminating by using good judgment, hiring only the people who have the needed qualifications, and choosing the ones with the *best* qualifications is a type of discrimination all employers use. Tell participants that, when applying for a job, it is their responsibility to show that they have the *best* qualifications for a job.

Tell participants that each employer's task is to know the difference between these two types of discrimination, and be sure they are only using the first type.

IS IT FAIR? IS IT ILLEGAL? (30 MINUTES)

1

Distribute **Handout 2, Is it Fair?** to each participant. Have them read each situation themselves and decide if each situation is fair or unfair. Tell them that later on they will be asked to think about laws that might apply in each situation. For now, they do not have to think about laws, just decide whether they think it's fair or unfair and why. Tell them to circle "Fair" or "Unfair" for each.

TIP: If the participants have lower reading levels, read each one aloud and have them circle the word below.

2

While participants are working, post the signs "Fair" and "Unfair" at different places in the room.

3

When everyone has finished, explain to them that they will now have the opportunity to **Take a Stand** (see "Teaching Strategies") on each of these cases. Tell participants that, as each case is read aloud, they will have to move to the sign that best reflects their opinion and give their reasons.

4

Go over the rules from **Transparency, Rules for Take a Stand.**

Transparency: **RULES FOR TAKE A STAND**

Do not interrupt; wait for your turn.

Do not argue; state your opinion. Give new reasons or ideas.

Listen while others give their reasons and ideas.

You may move at any time if you change your mind.

Do wish to add any more rules? If so, what rules?

Do you agree to these rules?

5

Read each situation aloud, tell participants to move to the sign they choose, and ask:

- Why do you think this is fair/unfair?

Allow participants to respond to one another's ideas, speaking one at a time.

TIP: If you have a large group, have them discuss their reasoning with the rest of the group standing under their sign. Have them choose one or two people who will respond for the group for that case. For each case, make sure a new person is talking. This will avoid stretching this activity out too long and allowing each person a chance to talk.

6

After discussing fairness, ask the participants to see if their law strips or knowledge of the law has any bearing on their decisions. Discuss the policies or laws that affect the scenarios and how such a situation would be treated where they work. Comment where appropriate how laws often reflect our ideas on what is fair or unfair.

Handout 2: IS IT FAIR?

Read each of the examples below. Decide whether **you** think each of the cases below is **fair** or **unfair** and circle your answer below.

1. Josue is 14 years old. He applies to work at a local donut shop from 4 am to 8 am. The owner refuses to hire him because he is too young.

Fair Unfair

Answers about fairness will vary. Legally, Josue would be protected by child labor laws. Each state sets the minimum age that young people can be employed (often 14–15) and what type of employment they may pursue. Some hazardous jobs like using power saws and mining are illegal for anyone under 18. Often jobs like babysitting and delivering newspapers are exempted from these laws. Family-run businesses are also sometimes exempted.

At what age can students start working in your state? What restrictions are imposed on workers under 18?

This type of age discrimination is probably legal, since the ADEA only protects people over 40. Some state laws, like those in Oregon for example, prevent age discrimination for anyone over 18.

It would also be legal for the owner not to hire him because he does not have enough **experience**, which can be a **qualification** for any job.

- Ask participants what age they think should be covered by discrimination law and why.

2. Sahar is a Muslim woman who wears a hijab, the traditional Islamic head scarf. She applies for a job at a bakery and gets it after a good interview on the phone. When she arrives at the bakery the owner tells her that she must take off the scarf. It is not part of the uniform and her scarf may offend her customers and drive away business.

Fair Unfair

Answers about fairness will vary. Legally, the discussion should center around whether Sahar has the right to express her religion by wearing the traditional clothing versus her boss's perceived right to protect her business. Not hiring her because of her religious observance is illegal. Sahar does have a right to religious "accommodation" as long as it is "reasonable."

Ask participants:

- Can employers make workers wear uniforms?
  The law says that they may; however, in some places the employer must pay for the uniform.
- What are some examples of "reasonable accommodations" in this case?
  Examples might include: allowing exceptions to the dress code for religious reasons like allowing Sahar to wear hijab that matches the bakery uniform.
- What are some examples of "unreasonable" accommodations?
  Employers are not required to make those accommodations are those that "fundamentally alter" the business or are "unduly costly." *Examples might include:* building a church for an employee or permitting any action that would be dangerous in the workplace. Having a specific day of the week off for religious worship might be unreasonable if that is a busy day in the workplace.
- Would Sahar have such a right if it were not a religious dress? What about a person wearing a lip piercing?
  In most cases, the employer could require the person to take out the jewelry as a condition of employment.

NOTE: It would also be illegal if Sahar was being discriminated against because of her skin color or national origin and the singling out of the hijab was just used as a pretext to not hire her.

3. Warren is late for work two or three times a week. He is fired.

Fair Unfair

Answers about fairness will vary. Legally, Warren is unprotected by law. Most of the time an employer can fire an employee at any reason or for no reason at all — this is called **employment at will**. The only exception is if an employer fires someone for a fake reason in order to hide illegal discrimination.

- Ask participants why they think this law exists.

4. Marcia is the office manager at a large company. She is four months pregnant. Her employers fire her because they worry that she will not be able to work late hours or lift the boxes in the store room, which the job requires.

Fair Unfair

Answers about fairness will vary. Legally, it is illegal to discriminate against Marcia because of her pregnancy or because she is a woman. That is sex-based discrimination. They can require that Marcia prove she can find a way to do all that the job requires. If she is qualified and can do the work, they must treat her the way they would someone with a temporary disability, like heart surgery. The same is true for any disabled employee. The employer must provide "reasonable accommodations," like installing inexpensive software to enlarge the text of a computer screen, allowing employees to keep medications in a refrigerator or giving employees specific times off for Alcoholics Anonymous meetings.

- Ask participants why they think we have laws against pregnancy discrimination? Why is this considered sex-based discrimination?
- Ask participants for examples of "reasonable" accommodations for disabled employees. Examples might include: making a building accessible to wheelchairs, providing training materials in large print, and adjusting work schedules. Employers are not required to make those accommodations that "fundamentally alter" the business or are "unduly costly."
- Remind participants that employees must request an accommodation. Ask participants what the best way to do this would be. (Often, doing so in writing is the best option)

5. Carla is a 17-year-old fast-food cook. As someone who has never worked in a restaurant before, she is required to spend three days at training sessions that the company does not pay her for. She is also paid $1.00 less than Bobby, who was just hired, but used to work for another fast-food restaurant.

Fair Unfair

Answers about fairness will vary. Legally, it is illegal not to pay Carla for her time in training. In fact, if the training means she works more than 40 hours, the company must pay her extra for overtime hours. It *is* legal to pay her less than Bobby, *as long as it is based on experience and not because she is a woman*. It is illegal sex discrimination to pay men and women different wages if the job and their qualifications for it are exactly the same.

- Ask participants why they think we have equal pay laws.

6. Kareem applies for a job as a bank teller. The manager tells him that he will have to take a drug test, a test to see how good his math skills are, a lie-detector test to find out if he has ever stolen from other jobs, and a credit check.

Fair Unfair

Answers about fairness will vary. Generally, job testing is legal for most kinds of jobs and employers can refuse to hire people who refuse to take or fail the tests.

Drug tests may be used by private and public organizations, though some states have recently passed laws restricting testing or requiring that employers have reasonable suspicion before testing employees. For years, the federal government has tested some employees.

What are the drug testing laws in your state?

Aptitude (ability), personality, and psychological tests are legal as long as they pertain to the job the person is applying for, and are not used to discriminate based on race, sex, age, disability, religion, or national origin. A math test to work in a bank is an example of a reasonable test. A test of whether a person can lift a 150 pound box in job that will *not* require lifting would be unreasonable.

Lie detector tests were made illegal for most jobs, except security guards and government employees, when Congress passed the *Polygraph Protection Act* in 1988.

Credit checks are legal and increasingly used by employers. Employees must consent to have their credit checked, but can be denied the job if they refuse. In addition, employers may turn down applicants based on their credit. However, if they do, they are required by law to provide the name and address of the credit company they used, and the employee is entitled to both a free copy of the report from the company and an opportunity to correct any errors that appear in it.

7. Jasper works at a family-oriented restaurant. One day his boyfriend picks him up after work. Jasper's manager sees them holding hands as they walk away. The next day there is a pink slip

in Jasper's mail box telling him that he has been fired because his behavior does not fit the "family" image of the restaurant.

Fair Unfair

Answers will vary. Jasper does not have *federal* protection from discrimination based on sexual orientation. There are, however, many state or local laws that protect him.

Are there laws in your state or city that protect workers based on sexual orientation?

Ask participants:

- Why do you think the law differs from place to place?

8. Jen applies for a job at a bookstore. The store manager sees from her application that she has been convicted of a crime — Jen was caught shoplifting when she was 14. The manager decides not to hire Jen because she does not want criminals working in her store.

Fair Unfair

Answers will vary. Legally, Jen should not have indicated on the application that she had been convicted of a crime, since she had probably been tried in juvenile or family court. Juveniles are not "convicted," but are instead found delinquent. Juvenile records are not considered convictions. (Check with your local family court for details on this.)

Are records of juvenile delinquency adjudications sealed automatically in your state? Who can access them?

SUMMARY (10 MINUTES)

1

Brainstorm with the participants about the qualifications that they each have that would make them good employees (education, skills, abilities, etc.)

2

Remind the participants employers *can and will* discriminate (the legal kind) based on qualifications and it will be their job to demonstrate their qualifications.

3

Read participants the following quote:

> "Equal opportunity is like a race. The government's job is not to make sure that everyone *finishes* at the same time, but instead to make sure that everyone *starts* at the same place. Everyone should start the race at the same line, at the same time, and no one should have his/her legs tied together!"

Ask participants:

- What do you think this means?
- How does this fit with what we've been learning today?
- How do anti-discrimination laws seek to do this?
- Why do you think it is important not to discriminate in the workplace?
- Are there ways that the laws you have learned about seem not to fit with this paragraph or don't live up this idea?
- Are there new employment laws or changes to existing laws that would make them fit better with this vision? For example: some localities offer protection based on political affiliation, parental responsibility, student status, personal appearance, and other characteristics.

4

Ask participants:

- How do you think we should balance the right of employees to equal opportunities and the right of employers to run their businesses the way they want?
- Besides discrimination law, can you think of other laws that govern the workplace?

Answers may include laws about: safety (OSHA), minimum wage, hours, compensation, labor, and unions.

Local Laws & Procedures

At what age can young people start working in your state?

What restrictions are imposed on workers under 18?

Are there laws in your state or city that protect workers based on sexual orientation?

Does your state automatically seal records of juvenile delinquency after someone reaches the age of majority? Who can access them?

This activity was adapted from the following Street Law, Inc. materials:

- *Street Law for Youth in Transition*, Lesson 12: Employment I, © 2004.

Handout 1
Laws to Know: Employment Discrimination
(page 1 of 3)

Title VII of the Civil Rights Act of 1964 was the first major law to prohibit discrimination in the workplace. It prohibits companies with more than 15 employees from discriminating in the workplace based on race, color, religion, sex, or national origin. This includes hiring, firing, working conditions, and promotion. **The Equal Employment Opportunity Commission (EEOC)** is the federal agency in charge of enforcing this law.

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#2 National Origin and Citizenship Status: It is illegal to discriminate against someone because of the nation or country they or their ancestors came from (because of Title VII of the Civil Rights Act). This includes discriminating against someone because of accent or language, unless it is a requirement of the job. In most jobs, it is illegal to discriminate against non-citizens. However, if workers cannot prove that they *either* are U.S. citizens *or* have permission to work in the United States they may not legally be hired.

Handout 1

Laws to Know: Employment Discrimination

(page 2 of 3)

#3 Disability: People who can perform the important tasks of a job cannot be discriminated against because they have a physical or mental disability. This includes people who have learning disabilities or are HIV-positive. The Americans with Disabilities Act is the federal law that prohibits companies or organizations with 20 or more employees from discriminating based on disability. It requires that employers give people "reasonable accommodation" to help them do their job effectively. Employees must request this accommodation.

#4 Sex: It is illegal to discriminate against someone based on sex (male or female). Title VII of the Civil Rights Act includes protection from discrimination based on sex and the Equal Pay Act makes it illegal to pay a person of one sex less money for doing the same job. One type of sex discrimination that has been the subject of much attention recently is sexual harassment, which is defined as "unwelcome sexual advances, request for favors, and other verbal or physical conduct of a sexual nature which takes place in the workplace." (EEOC)

#5 Pregnancy: Congress amended Title VII to make discrimination based on pregnancy or a related medical condition an illegal form of sex discrimination. If the pregnancy makes an employee unable to do parts of her job, the employer must treat her like any other disabled employee. Employers must hold a job for a pregnant woman for the same length of time they would for any illness or disability.

Handout 1
Laws to Know: Employment Discrimination
(page 3 of 3)

#6 Age: The Age Discrimination in Employment Act makes it illegal to discriminate against qualified people who are 40 years of age or older based on their age. It does not apply if age is a valid qualification for the job, like playing a young person in a movie. Employers may require that applicants be at least 18 years old (or a younger minimum age). State child labor laws prevent employers from hiring people below a certain age.

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#9 Arrest and Conviction Record: State and local laws are different in this area. Since people of color are arrested at much higher rates than whites, the EEOC has ruled that just being arrested (without being convicted) cannot be used as a basis for not hiring an individual. *Conviction* can be used in making hiring decisions if it is somehow related to the job. Employers are required to consider the seriousness of the offense, how long ago it happened, and steps toward rehabilitation. People who were arrested as **juveniles** and found **delinquent** have not legally been convicted of a crime. In most states, employers may not consider juvenile records in deciding whether to hire someone.

Handout 2
Is it Fair?
(page 1 of 2)

Read each of the examples below. Decide whether **you** think each of the cases below is **fair** or **unfair** and circle your answer below.

1. Josue is 14 years old. He applies to work at a local donut shop from 4 am to 8 am. The owner refuses to hire him because he is too young. FAIR / UNFAIR

2. Sahar is a Muslim woman who wears hijab, the traditional Islamic headscarf. She applies for a job at a bakery and gets it after a good interview on the phone. When she arrives at the bakery the owner tells her that she must take off the scarf. It is not part of the uniform and her scarf may offend her customers and drive away business. FAIR / UNFAIR

3. Warren is late for work two or three times a week. He is fired. FAIR / UNFAIR

4. Marcia is the office manager at a large company. She is four months pregnant. Her employers fire her because they worry that she will not be able to work late hours or lift the boxes in the store room, which the job requires. FAIR / UNFAIR

5. Carla is a 17-year-old fast-food cook. As someone who has never worked in a restaurant
before, she is required to spend three days at a training that the company does not pay her for. She is also paid $1.00 less than Bobby, who was just hired, but used to work for another fast-food restaurant. FAIR / UNFAIR

Handout 2
Is it Fair?
(page 2 of 2)

6. Kareem applies for a job as a bank teller. The manager tells him that he will have to take a drug test, a test to see how good his math skills are, a lie-detector test to find out if he has ever stolen from other jobs, and a credit check. FAIR / UNFAIR

7. Jasper works at a family-oriented restaurant. One day his boyfriend picks him up after work. Jasper's manager sees them holding hands as they walk away. The next day there is a pink slip in Jaspers mail box telling him that he has been fired because his behavior
does not fit the "family" image of the restaurant. FAIR / UNFAIR

8. Jen applies for a job at a bookstore. The store manager sees from her application that she has been convicted of a crime—Jen was caught shoplifting when she was 14. The manager decides not to hire Jen because she does not want criminals working in her store. FAIR / UNFAIR

Transparency

Rules for "Take a Stand"

Do not interrupt; wait for your turn.

Do not argue; state your opinion. Give new reasons or ideas.

Listen while others give their reasons and ideas.

You may move at any time if you change your mind.

Do you wish to add any more rules? If so, what rules?

Do you agree to these rules?