



# Participant Guide: Legal Basics

## Objectives

Participants will be able to:

- Take steps to protect yourself and your operation from legal risks associated with labor laws.
- Identify the common labor laws and how they apply to hog operations.
  - Apply the laws to representative situations on the farm.

## The Goal of Managing Legal Risk

Minimizing legal risk associated with human resource management services two important purposes:

1. Working proactively to prevent legal action from current, prospective, and former employees saves times, reduces stress, and avoids expensive legal defense.
2. More important, minimizing human resources risks helps build a safe, positive environment free from discrimination where employees can use their skills, knowledge, and experience to meet business goals.

A positive workplace supports and improves employee performance, and encourages employees to thrive and do their best, which ultimately benefits your hog operation.

## How to Minimize Legal Risk

1. Enlist the advice of a qualified employment attorney.
2. Familiarize yourself with both federal and state laws that apply to human resources management.
3. Implement \_\_\_\_\_, procedures, and \_\_\_\_\_ that identify the expectations and \_\_\_\_\_ of behavior in the workplace. Include \_\_\_\_\_ to manage \_\_\_\_\_ and handle problems and violations.
4. Document \_\_\_\_\_, illegal, and \_\_\_\_\_ behaviors and performances.
5. Develop a good \_\_\_\_\_ and keep organized, complete employee \_\_\_\_\_.
6. Subscribe to a \_\_\_\_\_ on \_\_\_\_\_ and \_\_\_\_\_ to receive regular updates.
7. Read the \_\_\_\_\_ of your newspaper to learn what's happening outside of agriculture.



## Group Activity

In your small group, identify other steps you can take to minimize legal risks on your farm and create a positive work environment for employees.

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## Common Labor Laws that Apply to HR Operations

Take a minute now to match each description in the left-hand column to its corresponding labor law.

Labor Law	Description
1. Laws about employment eligibility _____	A. Standards for use of protective gear and equipment features vary from state to state and task to task.
2. Laws for employment of minors _____	B. Federal law allows Social Security cards, permanent resident cards, alien registration receipt card with photographs, and other designated documents as acceptable proof.
3. Occupational Safety and Hazard Administration (OSHA) standards _____	C. These standards help reduce the risk of pesticide poisonings and injuries among agricultural workers.
4. Workers Protection Standards (WPS) _____	D. These laws vary from state to state based on age, hours worked, and the classification of the job being performed.



### Discussion questions

1. What actions do you take in your hog operation to meet the requirement of OSHA and Workers Protection Standards?
2. What are the risks to the operation for non-compliance with any of these major labor laws?

## Four Laws You Need to Know

The following labor laws support and foster a workplace free of harassment and discrimination.

1. **Title VII:** Protects against harassment and discrimination based on race, color, religion, sex, or national origin.
2. **Age Discrimination in Employment Act (ADEA):** Protects workers age 40 and older from harassment and discriminatory practices based on age.
3. **Americans with Disabilities Act (ADA):** Protects individuals with disabilities from harassment and discriminatory practices based on their disability. Employers have the duty to reasonably accommodate an individual with a disability or be in violation of the act.
4. **The Family Medical Leave Act (FMLA):** Provides job protection for an eligible employee who must take time off due to his/her own serious health condition, that of an immediate family member, or for the birth or adoption of a child. Employees may take up to 12 weeks of leave in a year. Generally the employer must restore the employee to the same or an equivalent position about his/her return to the workplace.

### Discussion Questions—Discrimination Law

1. There are two legal definitions of sexual harassment that may be familiar to you.
  - What is “quid pro quo” harassment?
  - What is “hostile work environment”?
2. What are some examples of “quid pro quo” harassment?



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3. What is sexual harassment really about?
4. As a manager, what can you do to help prevent complaints of sexual harassment and discrimination?
5. We have been talking about a hostile work environment as a legal definition of sexual harassment. When could the term “hostile work environment” also apply to other kinds of workplace harassment?
6. A worker with three years of employment in the hog operation tells her supervisor that she must have surgery in the next month and will be unable to return to work for at least eight weeks. The supervisor tells the worker she will need to get back to work sooner than that because there’s too much work to do.
  - What is your reaction to the supervisor’s response to the employee’s need for eight weeks of FMLA leave?
  - What information does the supervisor need to ensure that the employee receives \_\_\_\_?



## Scenario 1: Sexual Harassment and Discrimination

A female worker started her new job just two days ago and feels a little uneasy because of the language being used by her male co-workers while at work. It seems like every sentence has a four-letter word included in it. Frustrated, she decides to tell her manager about the situation. When she does, the manager simply tells her not to worry and that he will take care of it. He tells her that she should not be too uptight about these things, because they are all a team, and every once in a while things get out of hand.

A couple more days go by and the situation doesn't seem to improve; in fact, it is even worse. The female worker decides to go back to the manager's office to confront him about the situation. When she arrives at his office, the manager asks her to come in and sit down as he closes his office door. As she tries to tell her manager of the situation, she feels his presence on her back as he puts his hands on her shoulders. Trying not to appear bothered by the gesture, she tries to continue when she feels the manager get closer and closer while rubbing her shoulders. She doesn't know what to do.

### Discussion Questions

## Scenario 2: Age Discrimination

A supervisor regularly called one worker "the old man" in team meetings. He let everyone know that "the old man had the best wrinkles of anyone he'd ever seen at that age."

When the supervisor made out the work assignments, he often said, "I need to take it easy on the old man, you know. Don't want to give him a heart attack." The employee works steady and completes task according to procedure, but at times, will hold the others up. He doesn't want to work his way up. He is content where he is.

The supervisor learned that another worker, an energetic 25-year old with solid knowledge of hog operations, has submitted his application to work at ABC Farms. When the supervisor terminated "the old man", no one was surprised when a new employee showed up to work at the farm.

The older worker has not been able to find work and now must pay all health care and insurance costs. He has been advised to consult an attorney.

### Discussion questions

1. What did the supervisor do that might lead a person to believe that Jack's age was a factor in his termination?
2. What part may have Jack's performance play in his termination?
3. Based on the information in the scenario, how justifiable was Jack's termination?



## My Action Plan

Today we discussed the legal basics, not only prevent and win lawsuits, but more important, to build a safe, positive work environment free from harassment and discrimination. This kind of environment allows employees to use their skills, knowledge, and experience to meet business goals.

A positive workplace supports and helps improve employee performance. It encourages them to thrive and do their best, which ultimately benefits your hog operation.

Take a few moments now to think about what could you do more of, better, or differently that would help your workplace provide a safe, positive environment free from harassment and discrimination.

Action Needed	Target Date

Thank you for spending time today on this important topic!