



## Introduction

The workplace reflects the hopes and ideals of American society. When the electorate demands change, dramatic results follow. Progress began at the end of the nineteenth century with the adoption of laws protecting workers from harsh working conditions. It continued throughout the last century with the enactment of the 40-hour work-week and civil rights and worker safety laws. American politicians have readily responded to workers' demands. The last few decades show that this trend continues. Recently, workers' rights to equal opportunity in employment received additional protections from gender disparity in compensation as well as from discrimination based on genetic profiles. These laws have expanded the social safety net and afforded greater protection from workplace discrimination, and they have enhanced the enforcement rights of both government and private parties.

The idealized right of a business owner to exercise unfettered discretion in his or her operations has disappeared. Company management decision-making is now constrained by an expanding universe of federal and state legislation, regulation, and court decisions. Moreover, strong public support continues for employers to undertake more responsibility for the welfare of their workers. One recent example is mandated employer-sponsored health insurance benefits for employees. As a result of all these changes, the employment law landscape continually expands in scope and complexity.

As of 2010, with the United States in the midst of a deep recession, approximately 140 million workers were employed from a total population of approximately 237 million individuals. Another 8.9 million workers were unemployed or otherwise outside the labor force, representing a post-Depression era record national unemployment rate in excess of 10 percent. America's economic stability depends on job creation. That fact poses a serious challenge to our political and business leadership.

At the same time, U.S. companies are implementing global workforce strategies to meet the demands posed by international competition. Managers must recruit, train, and retain the "right" workers with the requisite backgrounds to respond to the challenging circumstances they face.

Managers must continually innovate within difficult business climates. Management teams must cultivate a supportive environment for their employees to assure their businesses remain competitive. Formerly, corporate litigation risks arising from non-compliance with employment laws were measured by the outcomes of single-party lawsuits. Today, the risks are much greater due to the proliferation of class-action lawsuits in which many parties join to seek damages.

These conditions make it clear that the study of employment law is important to the education of tomorrow's business leaders. Your course presents an interesting opportunity for you to learn about the legal environment of the workplace. Serving that purpose is the reason for this text, and we hope that you will enjoy the product of our labors.