Chapter 29 Study Guide: Employment and Labor Law

Employment Security

- What is FMLA and what does it do?
 - o FMLA Family and Medical Leave Act
 - Guarantees both men and women up to 12 weeks of unpaid leave each year for childbirth, adoption, or a serious health condition of their own or in their immediate family

Wrongful Discharge

- When is an Employer prohibited from firing a worker?
 - When an employee is refusing to violate the law (if the instruction of the employer breaks the law)
 - When an employee is exercising a legal right (such as filing for workers' compensation)
 - When an employee is performing a duty (such as jury duty)

Contract Law

- What if an employer makes promises during the hiring process?
 - Promises made to job applicants are generally binding even if not approved by the top executives
- Does an employee handbook create a contract?
 - o Yes
- What is an implied covenant of good faith and fair dealing?
 - Requires both parties to behave reasonable, making an honest effort to meet both the spirit and the letter of the contract

Defamation

- What is qualified privilege?
 - Qualified Privilege employers who give references are only liable for false statements that they know are false or are motived by ill will
- What if potentially dangerous information is withheld by an employer for an employee reference?
 - Generally, courts have held that employers do not have a legal obligation to disclose information about former employees (just salary and start and end dates)
 - o If they outwardly misrepresent a dangerous employee, they may be liable

Intentional Infliction of Emotional Distress

- What is intentional infliction of emotional distress? Is an employer liable?
 - Intentional Infliction of Emotional Distress an intentional tort in which the harm results from extreme and outrageous conduct that causes serious harm
 - o If an employer condones cruel treatment, they may be found liable

Whistleblowers

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Rajamohan Srivastava, ,Amit Ganguly

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