

Employment Classification and Discrimination

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An analysis of several work practices and relationships reveals that different types of employment have different classifications. The key concern, in this case, is whether if the employee is a contractor or permanent employee. To determine what kind of employee one is, guiding factors such as pay, control over their job, provision of working tools, schedule flexibility among others have to be considered. Besides employee classification, another issue that affects the work environment is the existent employment policies. It is the mandate of the employer to ensure that the common policies are fair and equitable for all the employees. However, there is a likelihood of an organization to create employment discrimination by enacting dress code policies. By enforcing rigid dress code policies, companies may infringe on an employee's religious and cultural values. It is in consideration of these issues that the essay seeks to assert that the new employee is not a contractor but a company employee. Evidently, Dream Massage practices employment discrimination by prohibiting the employee in this case from wearing her hijab at work without proof of this will affect the operations of the employer.

The new employee qualifies to be an employee and not a contractor. Several factors that relate to how the company relates to the employee affirm that they have an employer-employee relationship. First, the company dictates the work schedule of the employee (Pivateau, 2013). It is stated in the case study that the business requires the worker to work set schedule. Thus, the employee lacks a flexibility of schedule that most independent contractors enjoy.

Also, the employee works under the management and control of Dream Massage. Dream Massage is in charge of availing the customers and the tools of a trade. Typically, a contractor is required to have their tools of trade, through which damage to such devices may cause a loss or profit.

It is only in an employer-employee relationship that the employer controls and dictates how employees run their work. In this case, the employee does not enjoy the independence to execute their roles depending on their preferences (Pivateau, 2013). If the person, in this instance, was a contractor, she would only be required to deliver results, and the employer would have minimal or no influence on how the contractor does their job.

According to the United States Equal Employment Opportunity Commission (USEEEOC), Dream Massage is practicing employment discrimination against their employee on religious grounds by not allowing her to wear the hijab. According to the USEEEOC, religious discrimination involves unfavorable treatment of an employee or a job applicant because of their religious beliefs (Lieberwitz, 2008). Thus, it is against the law to practice any form of discrimination as regards any aspect of employment that may involve the hiring process, the payment process, the firing process among other areas. In the case of Dream Massage, this requirement is disregarded. The company informs the employee that she should not wear her hijab as it violates the company's dress policy. As such, this requirement as per Dream Massage violates the company's obligations as stipulated by the law requiring that the business/ employer must exercise reasonable accommodation of the employee's religious practices and beliefs, unless if such a measure may cause an undue hardship to them.

According to the US Equal Employment Opportunity Commission (n.d), it is necessary for an employer to allow the employee to maintain their dress code and grooming practices as required by their religion. In the case, the employer does not explain any undue hardship that the company would face by accommodating these dressing needs. The only mentioned issue is that by wearing the hijab, the employee violates the company's dress code.

It is unethical for a company to advocate for an intolerant dress code when it comes to their employees. Maintaining a strict dress code for employees means that the firm may enact discriminatory policies that limit the employees' right to exercise their religious duties and obligations. One such right that may be denied of an employee is the accommodation of religious beliefs (Lieberwitz, 2008). Some religions require that their congregation practice strict adherence to rules and doctrines such as putting on a veil, wearing a scarf, or wearing long clothes among others (US Equal Employment Opportunity Commission (USEEEOC), n.d). Should an employer enforce strict dress code policies, they fail to accommodate the appearance of these employees as religiously required. According to the federal law under Title VII of the civil rights act of 1964, it is wrong for an employer to enforce religious-based restrictions on grooming and appearance, unless such accommodations would result in undue challenges on the part of the employer (USEEEOC, n.d). Such a rigid dress code policy is not only unethical but also warrants legal prosecution on the company's part. In effect, it is necessary for an employer to embrace a flexible approach when drafting and applying a dress code policy.

Besides accommodating an employee's dress code as regards their religion, an employer should consider the disability status of their employees as this might also hinder their ability to adhere to a strict dress code. For instance, it is hard for an employee who has Parkinson disease to make use of the buttons on their work uniform. Thus, maintaining a strict dress code as regards buttoning uniforms may be hard for such an employee. Consequently, it is unethical for a company to assume that the company's dress policy should be a one size fits all. Therefore, it is imperative that an organization builds in flexibility to enable them to account for the rights and responsibilities afforded to their employees under the law.

References

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