

Chapter 8

Employment Rights

CHAPTER SUMMARY

Employee rights are important because a substantial portion of people's lives is dedicated to their jobs. Acts of injustice, such as wrongful termination, can have dire consequences for employees. These consequences can include a loss of income, social networks, status, and standard of living. The appearance of injustice is also a great concern for employers because workers are very sensitive to perceptions of unfair or unjust treatment and act accordingly. Employees may respond by striking or filing lawsuits, which are both costly and time consuming to defend.

The extent of employee rights is uncertain. Some rights, such as the alleged rights to expression, participation, and a living wage, are arguably "manifesto rights," which is to say ideals perhaps worth striving toward. Other rights, especially due process in termination, have more solid moral grounding. A key question about employee rights, though, is the extent to which they should be enforced by law. There is a considerable body of labor law that ensures fair or just treatment of workers, but on many matters, such as termination, it is questionable whether justice should be legally mandated through regulation or be achieved by more informal processes in the workplace.

Employee compensation is another hot topic because of the income inequality that exists between company executives and their workers. Critics argue that executive packages are often unfair because, unlike worker pay, there is no direct correlation between an executive's actual performance and overall compensation. Supporters of hefty executive packages argue that the only way to attract the top executives is to offer attractive compensation packages that coincide with their credentials. Proponents contend that these executives are well worth their pay. They point to statistical studies that have found executive compensation to be in proportion to the wealth created by corporations.

CHAPTER OBJECTIVES

- 8.1: Recognize the three basic arguments that justify employment at will and the three types of exceptions to this doctrine that protect employees from unjust dismissal
- 8.2: Describe the main arguments and principles of the Model Employment Termination Act that support the right of employees to due process in employment decisions
- 8.3: Explain the significance of freedom of expression for employees, the extent to which it is protected by law, and the arguments for and against this right in the workplace
- 8.4: Analyze the correlation between worker participation and workplace democracy and how Dahl's argument supports workplace democracy as a right
- 8.5: Assess the market forces and other factors that influence employee compensation, the fairness of wages, and justifications for a minimum wage
- 8.6: Evaluate the reasoning underlying criticisms and justifications of the compensation for

top executives

SUGGESTED DISCUSSION PROMPTS

1. Is the employment-at-will system a good one? What is the best reason for thinking so?
2. When might the principles of employment-at-will conflict with other principles?
3. What restrictions are permissible for employers to place on freedom of expression at work?
4. To what extent should workers enjoy the right to participation in their company?
5. What should workers' wages be compared to in order to determine if they are just?

ASSESSMENT FOR IN-CLASS USE

Multiple Choice Questions

Choose the BEST possible answer for each of the following.

1. "Employment at will" means that _____.
 - A. a worker can choose his or her job
 - B. an employee can leave the company any time
 - C. an employer can release an employee at any time
 - D. a worker has rights to the products of his or her labor

Correct Answer: C

8.1: Recognize the three basic arguments that justify employment at will and the three types of exceptions to this doctrine that protect employees from unjust dismissal

Topic/Concept: Employment at Will

Difficulty Level: Easy

Skill Level: Understanding

2. The argument for property rights in labor assumes that _____.
 - A. a worker has the rights to his/her labor
 - B. an employer has the rights to its employees' time
 - C. an employer has the rights to its employees' labor
 - D. an employer can regulate its employees' use of time

Correct Answer: A

8.1: Recognize the three basic arguments that justify employment at will and the three types of exceptions to this doctrine that protect employees from unjust dismissal

Topic/Concept: Employment at Will

Difficulty Level: Easy

Skill Level: Understanding

3. The utilitarian argument for employment at will relies on the idea that _____.

- A. there is an implicit contract of employment
- B. people own the products of their labor
- C. employers and employees both benefit from it
- D. employees have the right to freedom of expression

Correct Answer: C

8.1: Recognize the three basic arguments that justify employment at will and the three types of exceptions to this doctrine that protect employees from unjust dismissal

Topic/Concept: Employment at Will

Difficulty Level: Easy

Skill Level: Understanding

4. The notion of due process can be used to argue against employment at will because _____.
- A. employees should own the products of their labor
 - B. employment at will can be arbitrary
 - C. property rights are most fundamental
 - D. due process requires a written contract

Correct Answer: B

8.2: Describe the main arguments and principles of the Model Employment Termination Act that support the right of employees to due process in employment decisions

Topic/Concept: Right to Due Process

Difficulty Level: Moderate

Skill Level: Analyze

5. People are sometimes afraid to express their views at work because _____.
- A. it may be against the law
 - B. they do not want to stand out
 - C. they are afraid of what others might think
 - D. they are afraid of losing their jobs

Correct Answer: D

8.3: Explain the significance of freedom of expression for employees, the extent to which it is protected by law, and the arguments for and against this right in the workplace

Topic/Concept: Freedom of Expression

Difficulty Level: Easy

Skill Level: Understanding

6. The Supreme Court has found that government workers _____.
- A. have a right to free speech about job-related matters
 - B. cannot speak to the public about their jobs
 - C. have unlimited free speech since they are government workers

D. have different free speech rights from other employees

Correct Answer: A

8.3: Explain the significance of freedom of expression for employees, the extent to which it is protected by law, and the arguments for and against this right in the workplace

Topic/Concept: Freedom of Expression

Difficulty Level: Easy

Skill Level: Understanding

7. Workplaces are “democratic” insofar as _____.
- A. companies are structured like democracies
 - B. workers are represented in company decisions
 - C. companies are not arranged hierarchically
 - D. companies are not headed by a single individual

Correct Answer: B

8.4: Analyze the correlation between worker participation and workplace democracy and how Dahl's argument supports workplace democracy as a right

Topic/Concept: Workplace Democracy

Difficulty Level: Moderate

Skill Level: Analyze

8. Ethical arguments for democracy in the workplace are mainly based on _____.
- A. productivity
 - B. organizational effectiveness
 - C. personal health
 - D. legitimizing power

Correct Answer: D

8.4: Analyze the correlation between worker participation and workplace democracy and how Dahl's argument supports workplace democracy as a right

Topic/Concept: Workplace Democracy

Difficulty Level: Moderate

Skill Level: Analyze

9. Minimum wage is justifiable because _____.
- A. it helps to prevent worker exploitation
 - B. it is higher than a living wage
 - C. it redistributes income with the middle class as its primary focus
 - D. it is the most efficient way to raise income for poor workers

Correct Answer: A

8.5: Assess the market forces and other factors that influence employee compensation, the fairness of wages, and justifications for a minimum wage

Topic/Concept: Worker Compensation
Difficulty Level: Easy
Skill Level: Understanding

10. Proponents of minimum wage who argue that extremely low wages are exploitative assume that _____.
- A. employers have no choice but to offer low wages
 - B. jobs with other levels of wages are available
 - C. employers could offer the same jobs at higher wages
 - D. workers will not take just any job they can get

Correct Answer: C

8.5: Assess the market forces and other factors that influence employee compensation, the fairness of wages, and justifications for a minimum wage

Topic/Concept: Worker Compensation
Difficulty Level: Moderate
Skill Level: Evaluate

Essay Questions

1. Assess some of the arguments proponents make for robust executive compensation packages. Argue why critics are opposed to these types of executive compensation packages.

8.6: Evaluate the reasoning underlying criticisms and justifications of the compensation for top executives

Topic/Concept: Executive Compensation
Difficulty Level: Moderate
Skill Level: Evaluate

2. What are the limitations to the employment-at-will system, and how do they arise?

8.1: Recognize the three basic arguments that justify employment at will and the three types of exceptions to this doctrine that protect employees from unjust dismissal

Topic/Concept: Employment at Will
Difficulty Level: Easy
Skill Level: Understanding

3. What is the best reason for adopting a minimum wage policy? What is the best argument against that reason?

8.5: Assess the market forces and other factors that influence employee compensation, the fairness of wages, and justifications for a minimum wage

Topic/Concept: Worker Compensation
Difficulty Level: Moderate
Skill Level: Evaluate