

IN THE

KNOW

Equal Employment Opportunity

Here is our second issue of In The Know, our newsletter about federal compliance issues and business practices. In this issue we address the Equal Employment Opportunity Commission and the laws it enforces. After reading the information you may decide to review the existing compliance programs you have that protect your employees from discrimination. Our experts at Mason-McBride Inc./Summit Risk Management LLC (MMC/SRM) can help you review your EEO practices and give you guidance on how to fix any deficiencies you may have, helping design solutions specifically molded to your business.

We hope that reading this newsletter will give you information you can use, and that further issues will likewise be as helpful. If you have any questions about EEO or MMC/SRM's Compliance Check™ audit program do not hesitate to contact us.

Our Compliance Check™ audits not only help for areas of EEO but all areas where risk in your business is a factor, insurable or not. We can aid you with employee hiring, performance evaluations and benefits, or the tricky business of having to let an employee go. Our audits and professional guidance cover everything from your Employee Handbook and Records Retention to the laws and practices of the Consolidated Omnibus Budget Reconciliation Act (COBRA) and OSHA.

Thank you for reading In the Know. Please watch your mail for another information-filled issue coming soon.

Last year alone there were over 75,000 charges filed with the U.S. Equal Employment Opportunity Commission (EEOC), claiming discrimination in the workplace. Would you like to keep your business from being on the EEOC's statistical report? **Are you sure you comply with all the federal laws prohibiting job discrimination?**

What is the EEOC?

EEOC is an independent federal agency that was created by Congress in 1964. It is composed of five Commissioners and a General Counsel. Its purpose is to establish equal employment policy and to enforce federal laws prohibiting job discrimination.

What are the laws the EEOC enforces?

- Title VII of the Civil Rights Act of 1964 (Title VII) – prohibits employment discrimination based on race, color, religion, sex, or national origin
- Equal Pay Act of 1963 (EPA) – prohibits sex-based wage discrimination for men and women who perform essentially equal work in the same workplace
- Age Discrimination in Employment Act of 1967 (ADEA) – protects individuals who are 40 years of age or older
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA) – prohibits employment discrimination against qualified individuals with disabilities in the private sector, as well as in state and local governments
- Sections 501 and 505 of the Rehabilitation Act of 1973 – prohibits discrimination against qualified individuals with disabilities in the federal government
- Civil Rights Act of 1991 – provides monetary damages in cases of intentional employment discrimination

What are employers responsible for under EEO laws?

Employers must not discriminate in any aspect of employment. This not only includes rules for hiring and firing, promotion or pay, but also discriminatory practices of harassment based on race, color, religion, sex, national origin, disability, or age. This is only a partial list, but it is an employer's responsibility to know and protect against all acts of illegal discrimination. Employers may not allow retaliation against an individual for filing a charge of discrimination or participating in an investigation. Plus, it is the employer's duty to post notices to all employees detailing their rights under the laws EEOC enforces. These notices must be accessible, as needed, to any person with a disability, such as vision, that affects reading.

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MASON·MCBRIDE INC.

SUMMIT RISK MANAGEMENT, LLC

INSURANCE & FINANCIAL SERVICES

Risk Is Our Business®

IN THE

KNOW

Are You at Risk?

Is your business at risk in any of these areas?

Human Resources

- Americans with Disabilities Act (ADA)
- Equal Employment Opportunity Commission (EEOC)
- Employee Handbook
- Fair Labor Standards Act (FLSA)
- Family and Medical Leave Act (FMLA)
- Immigration Reform and Control Act (IRCA)
- Records Retention
- Sexual Harassment

Employee Benefits

- Section 125
- Health Insurance Portability and Accountability Act (HIPAA)
- Policy Provisions
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- ERISA
- Summary Plan Descriptions
- USERRA

Safety

- OSHA

If you're unsure whether you're at risk in any of the above areas, it's time to review your compliance program. Compliance Check™ at Mason-McBride/Summit Risk Management covers 14 distinct areas of risk management, from traditional property and casualty risks to human resource management and other less traditional business risks related to regulatory compliance.

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What entities and employers must follow these laws?

Title VII and the ADA cover all state and local government, educational institutions and private employers that employ at least 15 individuals, also private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training. The ADEA covers all private employers with 20 or more employees, state and local governments, employment agencies and labor organizations. The EPA covers all employers who are covered by the Federal Wage and Hour Law (the Fair Labor Standards Act), which is virtually all employers.

How can I be sure I am in compliance with the regulations?

Consider that the Equal Employment Opportunity regulations affect your whole employee cycle starting with the advertising for a position, interviewing, hiring, evaluating and, if necessary, firing the employee. Be sure to investigate and seek advice on each of these steps.

The Equal Employment Opportunity laws are very complex and cover a broad range of topics. It can be daunting to keep up with the specific requirements. Non-compliance could result in costly and time intensive lawsuits. With proper training, these allegations can be avoided.

Mason McBride/Summit Risk Management can provide you with guidance on Equal Employment Opportunity including supervisory training on harassment, assistance with job descriptions and employee performance reviews and more. We can also give you helpful checklists, audits, posters and sample forms.

The Equal Employment Opportunity laws are expansive. Are you sure you are in compliance with all of them, and in their entirety? If you are not sure, or have any questions about EEO, then you should contact Mason-McBride/Summit Risk Management today to schedule your Compliance Check™.

Are you ready for Compliance Check™?

We're here for you.

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