

United States: Public policy

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UNITED STATES

Public Policy

Chantel Sheaks and Michelle Wong



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This policy brief discusses employment laws in the United States, with a particular focus on federal laws, as they relate to the dimensions of the quality of employment framework. Rather than discussing all employment policy, this brief will highlight the most significant laws to provide a general introduction to current policies pertinent to quality of employment in the United States.

This brief includes four sections:

- An in-country policy context introducing the reader to the policy background of the United States.
- A discussion of dimensions of quality employment, providing a policy overview of the major public policies affecting each dimension. The following matrix represents factors that impact the quality of employment. Both employers and employees have a role in determining whether these factors are fulfilled, but government policies strongly influence how this is accomplished. In the United States, many of these laws can be divided into mandates that force a certain outcome or incentives to encourage outcomes. Many employment laws are multi-faceted and therefore apply to a number of quality of employment indicators, while other laws and policies neatly fall within one or another factor. This brief discusses seven components in this matrix. The dimension “Opportunities for Meaningful Work” is omitted as it is usually not legislated in the United States.
- A contextual focus on the Family and Medical Leave Act, highlighting both the aims of the act and the controversy surrounding it.
- A brief conclusion on the implications of policy for quality of employment in the United States.



This brief uses the quality of employment framework to discuss the effect of public policies in the United States.

IN-COUNTRY POLICY CONTEXT

The employment relationship in the United States began as an “at-will” system, meaning that either party could terminate the employment relationship at any time and for any reason. Over time, however, federal and state governments began to regulate certain aspects of the relationship. As a result, in some cases, federal law governs, and in other cases, federal law provides a minimum and states may enact laws with more generous benefits.

Before discussing employment legislation in the United States, it is important to have a general understanding of employment in the country. Because aging demographics in particular are an important consideration, they are discussed briefly to put US employment laws in context.

Aging demographics and workforce shortages

One area in which the government has enacted regulations is age in employment. This has become particularly important as age demographics shift in the United States. The United States was one of the first countries to recognize age discrimination (in 1967). The United States will experience dramatic demographic changes in the coming years and as a result must pay attention to the aging of its workforce. For example, in 1980, people aged 50 and older made up 26% of the population. According to the United States Census Bureau, in 2003, this percentage had increased slightly to 28%, but by 2050, people 50 and older are projected to be 37% of the population.¹ As a result of these changing demographics, labor economists anticipate that workers age 55 and older will comprise an increasing percentage of the workforce.

In light of these anticipated changes, it is important to examine current employment policies because they will impact the manner in which both employees and employers respond to the changing workforce. After briefly discussing public policies in the United States, this brief will then focus on each factor of quality of employment that applies in the US.

Public policies and quality of employment

In the United States, the majority of employment relationships do not involve employment contracts, either collectively or individually. Therefore, most employee rights, particularly those related to quality of employment, come from public policies. These policies provide important mandates or benefits to employees and ensure baseline standards in employment.

As population and workforce demographics shift, it is important to examine how current public policies impact the quality of employment in the United States. Though in times of economic instability it may be tempting for federal and state governments to focus on pressing economic concerns, we can also not afford to neglect efforts to evaluate and improve the quality of employment for all workers.

POLICY OVERVIEW

DIMENSIONS OF QUALITY OF EMPLOYMENT



➔ Indicators of Fair, Attractive, and Competitive Compensation & Benefits

Employees' basic needs are secured, and fair and equitable distribution of compensation and benefits among employees is promoted.

Overview

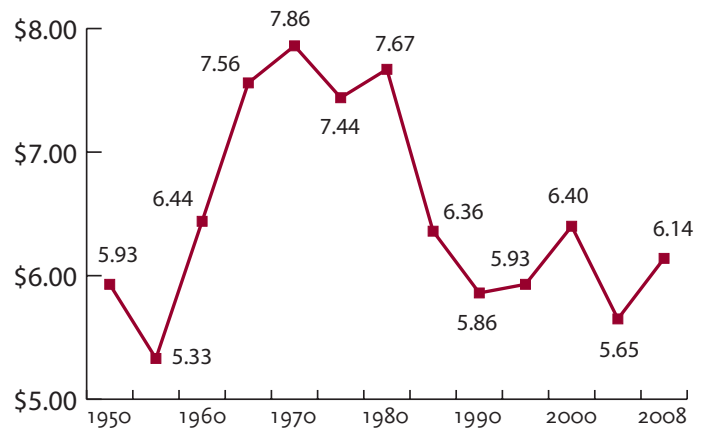
Most regulation in this area focuses on the minimum mandates that employers must provide to workers, such as minimum wage and Social Security. While the United States government does not control the distribution of compensation through mandates, there are incentives for employers to encourage them to give additional benefits.

Mandates

In 1938, the federal government enacted the Fair Labor Standards Act (FLSA). The FLSA provides rules regarding minimum wage and overtime pay, which affects full and part-time workers in the public and private sectors. In the United States, federal law establishes the national minimum wage, which is currently \$7.25 per hour. States, however, are free to set a higher minimum wage. As shown in Figure 1, although the rate has increased over the years, the real value of the national minimum wage has not always kept pace with inflation.

Along with the minimum wage, the FLSA also governs overtime pay for certain workers. These workers are paid at least 1.5 times their regular pay if they work more than 40 hours in one week. Workers who are not covered by the FLSA are called exempt employees and generally include salaried employees making over a certain amount or performing high level work, such as management or professional work.

Figure 1: Real Value of Minimum Wage, 1950-2008²
(in first half of 2008 dollars)



Source: Economic Policy Institute (2008)

Under federal law, Social Security Disability Insurance (SSDI) provides benefits to disabled or blind individuals based on the individual's own earnings or those of a spouse or parent. In addition, the Supplemental Security Income (SSI) program makes assistance payments to older, disabled, or blind individuals with limited resources. Both employers and employees contribute a percentage of payroll to fund these programs.

Under federal law, both employers and employees are expected to contribute to federal retirement security through payroll contributions to the Social Security Fund.

Incentives

No law mandates that an employer in the United States must provide any benefits other than wages to employees. However, through the Internal Revenue Code, employers are encouraged to provide employee benefits such as pensions, health care, life insurance, and disability benefits, and in doing so, an employer may deduct the cost of providing these benefits.³ In addition, employees receive favorable tax treatment on these benefits.⁴

Other

If the workforce is unionized, both compensation and benefits are mandatory subjects of bargaining. Rules governing unionization are provided by the National Labor Relations Act.



➤ Indicators of Opportunities for Development, Learning, & Advancement

Job skill development and advancement are promoted for employees of as many industrial sectors, employment statuses and life/career stages as possible.

Overview

As globalization expands into more employment sectors, it is increasingly important for United States employees to gain job skills and engage in continuing education. In the United States, there are programs provided both by the government and by the private sector to prepare workers for employment or retrain them for new job opportunities.

Government Programs

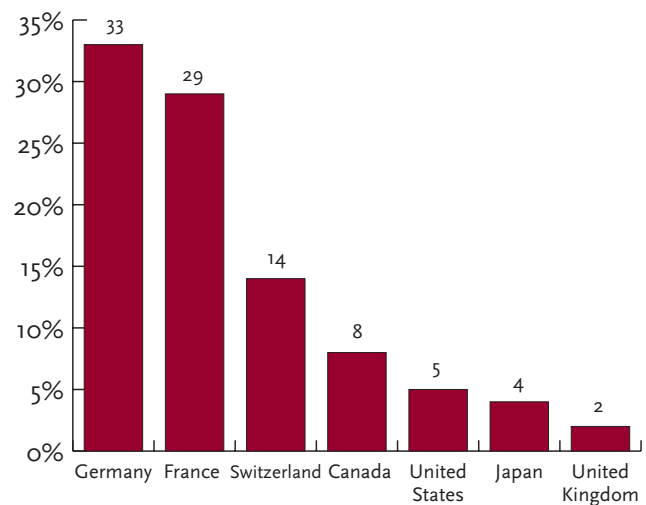
The majority of job-training programs are funded through the Workforce Investment Act of 1998, which seeks to provide workforce investment activities in order to increase the employment, retention, and earnings of participants so that they might become more competitive employees.⁵ Under the Workforce Investment Act, the federal government allocates funds to the States to implement job readiness programs for adults and youth facing barriers to employment.⁴ In addition, the Office of Vocational and Adult Education of the Department of Education offers a variety of grants to improve the education of young people and adults. Some of these grants go to community colleges, state programs, and community programs.

Some states have also created their own workforce training and education funds to supplement funding and opportunities for workforce development. For example, in 2008, Louisiana enacted the Workforce Training Rapid Response Fund in order to upgrade current workers' skills

and provide new workers with basic to advanced workplace skills.⁶ The fund grants \$10 million annually to address immediate needs for high-demand and high-cost training programs.

By international standards, the United States still spends a comparatively small amount of its Gross Domestic Product (GDP) on job training (see Figure 2). In addition, over the past 20 years, the percentage of GDP which the United States has spent on job training has decreased steadily, from a high of 0.14% in 1985 to 0.05% in 2006.⁷

Figure 2: Public Expenditures on Training as a Percentage of GDP (2006)⁸



Source: Organisation for Economic Cooperation and Development (2006)

Private and Employer Programs

Recently, many private entities have been established to help workers transition into or out of their careers through bridge jobs and transitional work arrangements. For example, the Transition Network is a community group of women age 50 and over who may be transitioning to retirement, a new career, or other opportunities. In addition, Encore.org is a resource connecting older Americans seeking careers that focus on their new social, personal, and financial goals with organizations establishing these “encore” careers.

Employers are encouraged to provide a variety of educational programs for employees because the cost of these programs and incentives are deductible and are generally not included in the employee's income.⁹



➤ Indicators of Wellness, Health, & Safety Protections

Protection of employees' safety and health at their worksite is mandated, and their physical and mental well-being is promoted. In the case of job-related injury or illness, compensation or other forms of social protection are offered.

Overview

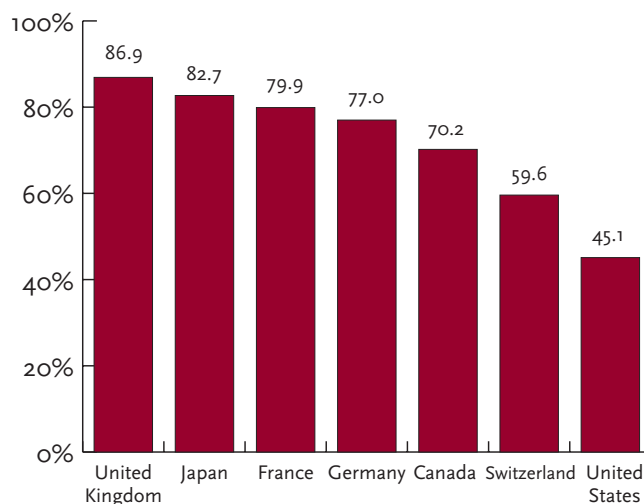
Employee health and safety is primarily promoted through health care coverage and health and safety prevention. Compensation is provided for employees who sustain injuries on the job.

Health Care Coverage

In the United States, individuals receive health care coverage through their employers, through the government or in the individual market. Although no law mandates that employers provide health care coverage to employees, the majority of Americans (60% in 2008¹⁰) receive coverage from their employer. Because so many Americans receive health care through their employers, public expenditures on health care in the United States are a significantly smaller percentage of total health care expenditures as compared with other countries (see Figure 3). Employers are encouraged to provide health care, however, because they can deduct the cost of the coverage for tax purposes. Employees also benefit because the value of the coverage is not included as income for tax and payroll purposes.¹¹ If an individual is no longer eligible for employer-provided health care coverage, the individual may remain on the employer's plan for up to 18 months if the loss is because of termination of employment or reduction of hours, or for up to 36 months if the loss is because of divorce or a dependent aging out. In either case, the individual must pay the full amount of the coverage.

As health care premiums have risen, employer contributions have also increased, leading employers to look for ways

Figure 3: Public Expenditure on Health as Percentage of Total Health Expenditures (2005)¹²



Source: Organisation for Economic Cooperation and Development (2005)

to reduce health care costs. In response, many employers have implemented wellness programs. These programs seek to reduce health care costs by improving employees' health through assistance with weight loss, disease management, and smoking cessation. The programs may be subject to the Employee Retirement Income Security Act (ERISA), the law which governs employee benefit plans, and must be compliant with other laws such as the Americans with Disabilities Act, the Health Insurance Portability and Accountability Act (HIPAA) and the Genetic Information Nondiscrimination Act (GINA).

Health and Safety

The primary federal statute protecting the health and safety of workers is the Occupational Safety and Health Act (OSHA) of 1970. OSHA's mission is to prevent work-related injuries, illnesses, and deaths.¹³ OSHA is responsible for setting and enforcing standards to ensure that workers are not exposed to excessive health and safety hazards in the workplace. Under OSHA, employers are required to keep records of work-related illnesses and injuries and are subject to penalties for violating an OSHA standard. As part of its enforcement activity, OSHA provides whistleblower protection, prohibiting an employer from disciplining or discharging an employee who exercises rights under the Act.

In the event that an injury or illness does occur, workers' compensation laws provide workers who are injured on the job with fixed monetary awards. Most employers are required to pay insurance for workers' compensation, and the employees' awards are typically paid by insurance companies (although some employers pay out of their

own funds). The purpose of this compensation is to avoid litigation of workplace injury claims. Workers' compensation laws also provide the surviving family members of workers killed in workplace accidents with monetary payments. The federal workers' compensation program covers all federal employees and certain non-federal employees in industries that significantly affect interstate commerce. States also administer workers' compensation programs, which may extend coverage to those not covered by the federal statute.



➤ Indicators of Opportunities for Meaningful Work

Opportunities for meaningful and fulfilling work are available.

This dimension is omitted because it is not the focus of legislation in the United States.



➤ Indicators of Provisions for Employment Security & Predictability

Stable provision of employment opportunities for job seekers is promoted, clear communication of terms of employment is facilitated, and protecting job security of the employee is a policy objective.

Overview

As previously discussed, most American workers are “at will” employees who can be terminated by their employer for any reason not specifically prohibited by law or who may quit at any time for any reason. Therefore, unless employees have an individual or collectively bargained contract with their employer, they generally have no legal basis for employment security. There are some exceptions to this general rule, discussed below.

Union Protection

While most employees have no protection against dismissal, employees do have the right to organize under the National Labor Relations Act (NLRA), which may provide some job security. Under the NLRA, labor unions may bargain with employers to obtain more favorable grievance procedures, wages, and terms of employment. Most employees, however, are no longer members of unions and therefore lack these protections.

Dismissal/Grievance Law

Regardless of provisions, or the lack thereof, in employees’ employment agreement, there is some regulation regarding all dismissals. For example, the Worker Adjustment and Retraining Notification Act (WARN Act) protects employees, their families, and communities by generally requiring that covered employers provide employees 60 days’ notice in advance of a plant closing or mass layoff.¹⁴ This notice must be provided to affected workers or their representatives, to the state dislocated worker unit, and to the appropriate unit

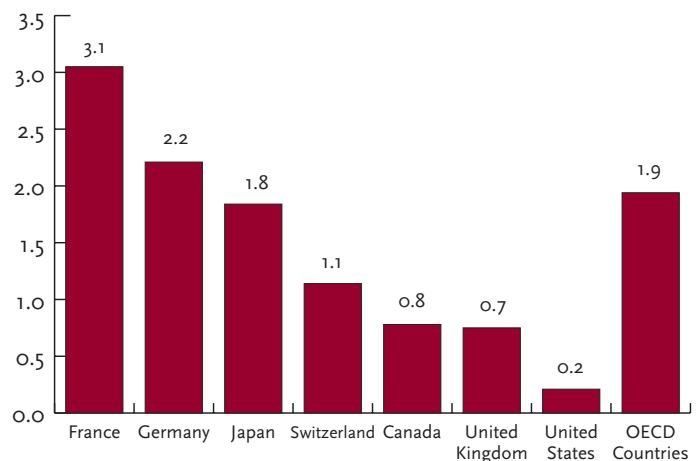
of local government. This notice allows employees the time to look for other employment, enter training programs, or adjust to the potential loss of income before the event.

In general, under the WARN Act, covered employers are those with 100 or more employees, not counting employees who have worked less than 6 months in the last 12 months or those who work an average of less than 20 hours per week.¹⁵ The WARN Act’s notice requirements are triggered when (1) a plant closing results in employment loss for 50 or more covered employees during a 30-day period; (2) a mass layoff results in employment loss for 500 or more employees during a 30-day period (or 50-499 employees if they make up at least 33% of the employer’s active workforce); or (3) the number of employment losses for 2 or more groups of workers reaches the threshold number of employment losses, during any 90-day period, of either a plant closing or mass layoff.¹⁴ The WARN Act also requires, in certain instances, notice when a business is sold.

Monetary penalties can be assessed against employers who violate the Act’s notice requirements. The Act, however, does not require an employer to refrain from closing a plant or conducting layoffs; it merely imposes penalties on employers who fail to notify their workers. The WARN Act’s requirements are coming under increasing scrutiny as more employers are conducting mass layoffs in the current economic climate.

Compared to other countries, the United States does not have as many laws relating to employment security.¹⁶ For example, the Organisation for Economic Cooperation and Development (OECD) publishes strength of employment protection legislation figures for member countries. As shown in Figure 4, the United States is among the lowest.

Figure 4: Strength of Employment Protection Legislation (2008)¹⁵



Source: Organisation for Economic Cooperation and Development (2008)



➤ Indicators of Workplace Flexibility

Availability and utilization of flexible work options are promoted for employees of various life stages through increasing their control over work hours, locations, and other work conditions.

Overview

Employees' desire for flexible work options has grown with the evolving workplace demographics, particularly in terms of scheduling hours and place of employment.¹⁷ Although states may require employers to provide certain benefits, federal law does not require employers to provide paid time off or allow employees to work at flexible work locations. It was not until 1993 that the federal government required certain employers to provide unpaid time off for personal or family medical leave.

Promoting Flexible Work Hours

Both federal and state law provide for leave for personal or family-related incidents and illness. In 1993, the federal government enacted the Family and Medical Leave Act (FMLA). Employees working for the federal government and public or private employers with 50 or more employees are entitled to up to 12 weeks of unpaid leave each year for the employee's own serious health condition, that of certain close family members, or for the birth or adoption of a child.¹⁸ It is important to note that the federal FMLA merely acts as a floor, and some states do provide greater protections, such as paid leave.

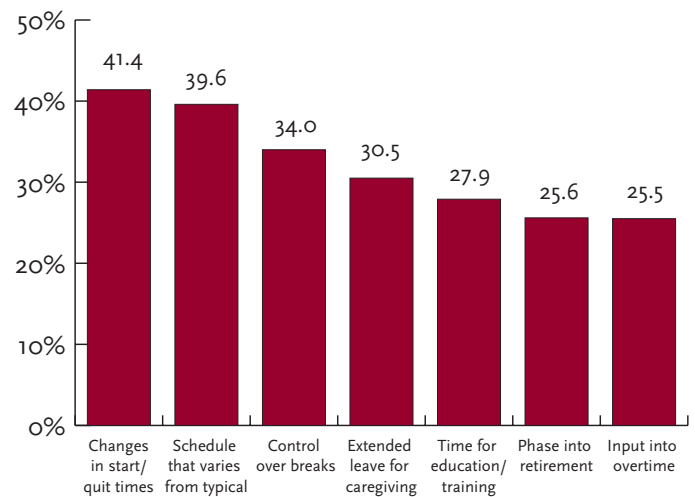
Despite the benefits that the FMLA provides, it has been criticized for its lack of coverage and minimal benefits. Small employers are not required to provide leave, and no employer is required to provide paid leave.

In addition to the lack of paid leave, there are no provisions in federal law that mandate how many hours an employee

may or may not work. However, as noted in the first section, if a non-exempt individual works more than 40 hours per week, the employer must pay overtime. Significantly, nothing in the law mandates working hours, but many collective bargaining agreements do have provisions regulating it.

Although there are few federal requirements for providing employees with flexible work hours, increasing numbers of employers do allow their employees to have access to flexible hours (see Figure 5).

Figure 5: Flexible Work Options Most Frequently Available to "Most/All" Full-Time Employees¹⁹



Source: Families and Work Institute (2005)

Although the FMLA regulates family and medical leave, no federal law requires employers to provide vacation or other paid time off. However, employers are encouraged to do so because they may deduct these payments as if they were wages, thus gaining valuable tax benefits.²⁰ Notably, paid vacation days are much more common for mid-wage and high-wage jobs, compared with low-wage jobs.²¹

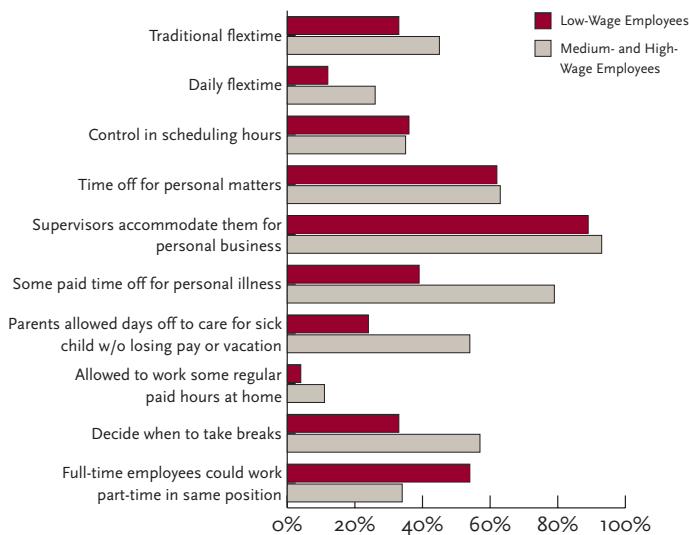
Promoting Flexible Work Locations

Currently, neither federal nor state law provide for flexible work arrangements. However, as a way to attract talent, many employers are instituting these arrangements, including teleworking, part-time work, and more flexible schedules. To assist employers in implementing flexible work arrangements, the Woman's Bureau of the Department of Labor has an initiative aimed at workplace flexibility. This initiative is designed to provide employers with advice and real life experience of implementing such programs.

Flexibility in Low-Wage Jobs

Workplace flexibility options tend to be common for medium and high-wage employees, who have more control over their schedules. Low-wage employees, however, often have fewer options for workplace flexibility and less control over working hours. See Figure 6.

Figure 6: Comparison of Flexible Work Options among Low-Wage and Medium- and High-Wage Employees²²



Source: Bond, J.T. & Galinsky, E. (2006)



Indicators of Culture of Respect, Inclusion, & Equity

Diversity in the workforce and inclusion of less advantageous populations are promoted, and equity in work conditions is pursued.

Overview

Federal law contains three primary statutes pertaining to employment discrimination: Title VII, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA). In addition to federal protections, many states also have nondiscrimination laws. For example, in some states, such as Washington, an employer may not discriminate against someone because of the person's marital status.²³

Equitable Treatment for Employees of Diverse Backgrounds

The first major piece of discrimination legislation for employees in the United States was Title VII of the Civil Rights Act of 1964. Title VII prohibits employers from discriminating on the basis of race, color, religion, sex, or national origin, and it applies to private employers with 15 or more workers and to all public sector employees. Such protections have also been extended to sexual harassment and to prohibit discrimination based on pregnancy. Currently, Title VII does not protect against discrimination based on sexual orientation; some states, however, do prohibit such discrimination.²⁴

In January 2009, the Lilly Ledbetter Fair Pay Act was enacted, which extended the time limits within which an employee may file a claim for pay discrimination before it expires.

Equitable Treatment for Older Employees

Three years after Title VII was enacted, Congress passed the Age Discrimination in Employment Act (ADEA) of 1967 to provide protection to workers age 40 and older. ADEA prohibits age discrimination in employment, including using age in decisions regarding hiring, firing, promotions, or wages.²⁵ It is important to note that ADEA only applies to employers with 20 or more workers and does not provide any protections for younger workers (those under age 40), so there are no restrictions on making employment decisions based on an employee's youth.

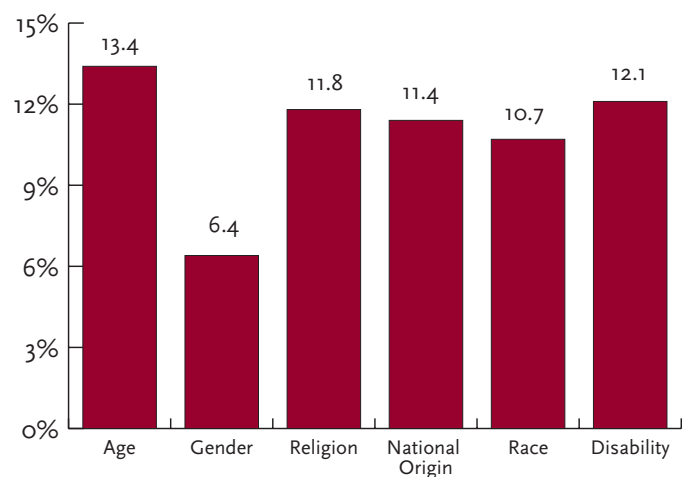
Equitable Treatment for Employees with Disabilities

The most significant federal legislation pertinent to employees or prospective employees with disabilities is the Americans with Disabilities Act (ADA), enacted in 1990. The ADA prohibits discrimination against employees with disabilities and requires employers to make reasonable accommodations for individuals with disabilities, provided that doing so would not cause the employer undue hardship. The ADA applies to employers with 15 or more workers.

Although there does not seem to have been an increase in the number of individuals with disabilities employed, since the passage of the ADA, evidence has shown that if individuals with disabilities who are unable to work are excluded from employment data, there has been a significant increase in employment opportunities.²⁶

Overall, it appears that these anti-discrimination laws have improved the culture of respect, inclusion, and equity at the workplace; however, discrimination still remains a significant issue in US workplaces. Overall, the rate of employee charges filed with the Equal Employment Opportunity Commission has risen in the past 10 years.²⁷ Compared with 2006, the most significant percentage increase in charges in 2007 was in age discrimination claims (see Figure 7).

Figure 7: Percentage Increases in EEOC Charges Filed, From 2006 to 2007²⁸



Source: Wong, 2009, from 2006-2007 data from Equal Employment Opportunity Commission



➤ Indicators of Promotion of Constructive Relationships at Work

Employer-employee frictions are mitigated, and constructive workplace relations are facilitated.

Overview

Many federal laws help to promote a constructive workplace by eliminating discrimination based upon race, gender, or religious affiliation as well as providing for collective bargaining. Each law is enforced by a federal agency, or by a state agency where there is a state law. However, there are no federal laws or regulations that mandate the creation of a supportive workplace. That being said, to remain competitive, many employers must create this environment, especially given the shortage of workers in some fields and the costs associated with recruitment and retention.

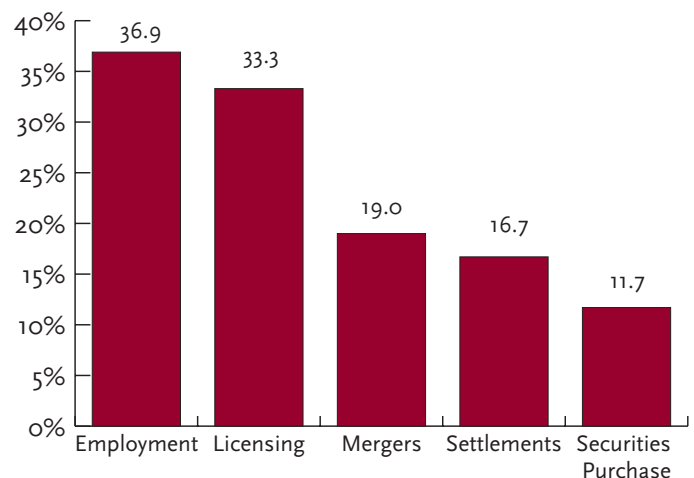
Arbitration

There are no specific employment policies which promote constructive relationships at work. However, such relationships can be promoted through arbitration. Arbitration is a form of alternative dispute resolution, where both parties refer their dispute to a neutral third-party who reviews the case and issues a binding decision. The resolution takes place outside of the court system, although there are some situations in which a party may appeal to a court.²⁹

Arbitration provides potential benefits to both employers and employees by reducing the costs of litigation, keeping claims confidential, and reducing the adversarial atmosphere of litigation.³⁰ Because of these benefits, some employers require their employees to arbitrate any employment dispute, which limits the rights of either party to contest the claim in court. Although the government has a limited role in regulating or requiring arbitration, the judicial system does have a policy preference for encouraging arbitration.³¹

In order to resolve employment disputes efficiently and inexpensively, arbitration agreements are becoming more common in the employment setting, particularly compared with other types of contracts (see Figure 8). As a result of this trend and due to the potential for employers to have significant bargaining power, there has been an increase in federal legislation to regulate the use of mandatory arbitration in particular areas.³²

Figure 8: Frequency of Arbitration Clauses By Contract Type³³



Source: Mark (2002), from SEC LEXIS EDGAR PLUS database

Notably, the rise in mandatory employment arbitration is primarily limited to the U.S.³⁴ Employers in other countries have not made arbitration a condition of employment, either because employees would not accept it or the courts would not support the practice.³⁶

CONTEXTUAL FOCUS:

THE FAMILY AND MEDICAL LEAVE ACT

Generally speaking, in the United States, employee benefits and leave have been provided through corporate welfare rather than government mandates. Corporations felt that they – not the government – knew how best to run their companies, including how to treat employees with respect to pay, benefits, and leave. With this philosophy, it is not surprising that there was no federal leave law in the United States until 1993, and it took nine years of debate to enact the FMLA. There remains quite a bit of controversy regarding government mandates versus corporate welfare to provide leave. Advocates for employers continue to argue that the law is too easily abused and imposes too much of a burden both in cost and administration on employers. Specifically, employer advocates argue that regulatory interpretation of “serious health condition” is too broad, as there is no listing of conditions that enable the employer to easily determine whether an employee has a “serious health condition.” In addition, employer advocates have expressed concern about the cost of small companies complying with the FMLA. On the other hand, employee advocates argue that the current law does not go far enough to help employees balance work and life, especially given that it only mandates unpaid leave. In addition, employee advocates are concerned that the Act does not cover the majority of part-time workers or those who work for more than 1250 hours per year but for more than one employer.

Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave per year for the following:

- Care for a newborn or newly adopted child;
- Care for children, parents or spouses who have a serious health condition; or
- Care for themselves for their own serious health condition.

To be eligible, a person must:

- Work for a private employer who has 50 or more employees (within a 75 mile radius), the federal government, or a state or local government; and
- Have worked for that employer for at least one year and at least 1,250 hours during the last 12 months.

Upon return from leave, the employee must be returned to the employee’s previous job, or an equivalent job with similar pay and benefits. In addition, if available before

leave, health care coverage must continue during the leave with the employee paying only the employee portion of the premium.

Employers must provide all employees with a general notice of their FMLA rights (generally through posting the notice in the workplace). Approved notices are available from the United States Department of Labor. In addition, many employers also provide notices in employee handbooks, especially where their leave provisions may differ from the basic FMLA requirements. Employers also must provide each individual employee who requests FMLA leave a notice of his or her individual rights when an employee takes leave. The notice must state whether:

- The employee must obtain a medical certification for the leave and upon return to work;
- Paid leave must be used; and
- Employee health care premiums must be paid and how they will be paid.

Finally, the notice must inform the employee of the FMLA job guarantees and the ramifications of failing to return to work.

Eligible employees may take FMLA leave in a variety of ways. For example, an employee could take a block of time, such as a week or three weeks due to his or her own serious health condition. In addition, an employee could take intermittent leave or change to a reduced schedule. There is no actual limit on how intermittent leave may be taken, however, under federal regulations, the shortest period of time that may be taken is the shortest period of time that an employer’s payroll system tracks absences.

Fifteen years after enactment, the FMLA remains controversial, for much of the same reasons as when the law was originally being debated. In 2006, the Department of Labor issued a request for information asking the public to comment on their experiences with the FMLA. In response, the Department of Labor received over 15,000 comments. In a June 2007 report, the Department of Labor noted that the majority of the comments could be categorized as follows:

- Letters from employees who had used the law;
- Request to expand the law’s coverage (such as to provide more time off, paid leave and leave for additional reasons); and
- Frustration from employers about abuse, staffing and administrative problems.

IMPLICATIONS FOR QUALITY OF EMPLOYMENT

Based on these comments, the Department of Labor issued proposed regulations in February 2008. These regulations were finalized on November 17, 2008 and became effective on January 16, 2009. The Department of Labor has provided a summary of the major changes to the regulations, which can be found at <http://www.dol.gov/esa/whd/fmla/finalrule/factsheet.pdf>

In addition to changing the current regulations, there have been several attempts at the federal level to expand the federal leave law, including having paid leave. To date, none of the federal legislative efforts have succeeded. Although federal actions regarding leave have been stalled for some years, many state efforts have succeeded. For example, in 2008, New Jersey passed a leave law that extends the state's required temporary disability insurance to time off to care for sick family members or bond with a newborn or adopted child. California, Washington and the District of Columbia also have paid leave laws for time off to take care of family members and for the employee's own health condition. Finally, many other states are considering this issue. Although many employee advocates hail these new laws as a way for workers to balance family and life, many employer advocates are not in favor of these laws as they claim that they are costly not only in terms of the actual pay, but in staffing and especially in administration because multi-state employers would be subject to a patch work of different laws and requirements.

In the United States, many aspects of the employment relationship are unregulated, and, instead, left to the market. However, both the federal and state governments have stepped in to increase the quality of employment either through mandates or incentives to employers and by prohibiting discriminatory or harmful practices. Given today's markets, however, many employers are going beyond the mandates to increase quality of employment because they recognize that it is not only a good social practice, but a sound business practice as well.

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- 23 In addition to equitable treatment for employees of diverse backgrounds, ages and disabilities, employee privacy is emerging as an additional indicator of culture of respect. Although there are very few laws regulating privacy rights of employees, this issue will likely become more prominent, particularly as technology advances. Some states have already proposed privacy statutes. See, e.g., Illinois Right to Privacy in the Workplace Act, Retrived from <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2398&ChapAct=820%AolLCS%AO55/&ChapterID=68&ChapterName=EMPLOYMENT&ActName=Right+to+Privacy+in+the+Workplace+Act%2E>.
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