

## Chapter 29 Study Guide: Employment and Labor Law

### Employment Security

- What is FMLA and what does it do?
  - 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?
  - 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 motivated 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)
  - 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
  - If an employer condones cruel treatment, they may be found liable

### Whistleblowers

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