

Chapter 1 : Private Sector Kuwait Labor Law – Official Version | Kuwait Labor Law

The Developing Labor Law Cumulative: The Boards, the Courts, and the National Labor Relations Act (DEVELOPING LABOR LAW SUPPLEMENT) by Patrick Hardin.

In the application of the provisions of this Law, the following terms shall mean: The Ministry of Social Affairs and Labor. The Minister of Social Affairs and Labor. Every natural or legal person who uses the services of workers against remuneration. An organization that gathers workers or employers with similar or related businesses, occupations or jobs in order to protect their interests, defend their rights and represent them in all matters related to their affairs. Article 2 The provisions of this Law shall apply to all workers in the private sector. Article 3 The provisions of this Law shall apply to marine work contract in respect of anything not provided for in the Marine Commercial Law or in the event where the text of this Law is more beneficial to the worker. Article 4 The provisions of this Law shall apply to the oil sector in respect of anything not provided for in the Law of Labor in the Oil Sector or in the event where the text of this Law is more beneficial to the worker. Article 5 The following shall be excluded from the application of this Law: Workers who are subject to other laws and to the provisions of those laws: Employment, Apprenticeship and Professional Training Section One – Employment Article 7 The Minister shall issue resolutions that regulate the conditions of employment in the private sector, particularly the following: Article 8 Every employer shall inform the competent authority about its need for manpower and shall annually inform the competent authority of the number of manpower employed by him, using such forms as are prepared for this purpose subject to such controls and conditions as are laid down by a resolution from the Minister. Article 9 There shall be established a public authority that shall be a corporate body with an independent budget, and named The Public Authority for Manpower, under the supervision of the Minister of Social Affairs and Labor. It shall have the responsibilities given to the Ministry under this Law and undertake the importation and employment of expatriate manpower upon the request of employers. A law that regulates the said Public Authority shall be issued within one year after the date of entry into force of this Law. Article 10 The employer shall be prohibited from employing foreign manpower unless the competent authority has granted them a permit to work for him. The Minister shall issue a resolution setting forth the procedures, documents and fees that shall be paid by the employer. In the event of refusal, such refusal shall be justified by stating the reason thereof, and the reason for such refusal shall not be related to the amount of the capital, otherwise the decision shall be absolutely null and void. Employers shall not bring workers from outside the country or hire workers from inside the country then fail to provide them with employment at his own entity, or subsequently be found not to have an actual need for them. Article 11 The Ministry and the competent authority shall not engage in any discriminatory or preferential treatment in dealing with employers with regard to the granting of work or transfer permits by granting such permits to some employers and denying them to others for any pretext or justification. The Ministry may, for organization reasons suspend the issue of work and transfer permits for a period not exceeding two weeks in any one year, and no employers may be excluded from such suspension during such period. Any act made in violation of this Article shall be absolutely null and void. Section Two – Apprenticeship and Professional Training Article 12 A professional apprentice is every person who, having completed his 15th year of age, signs a contract with the entity in order to learn a profession within a specific period in accordance with conditions and regulations that are agreed upon. The professional apprenticeship contract shall, in respect of anything not provided for in this Section, be subject to the provisions contained in this contract governing juvenile employment. Article 13 The professional apprenticeship contract should be written and made in three copies: The contract shall state the profession, apprenticeship period, successive stages and remunerations in a gradual manner at every level of learning. The minimum remuneration during the last stage shall not be less than the minimum remuneration specified for the remuneration of a similar job. The remuneration shall in no event whatsoever be specified based on production or piecework Article 14 The employer shall have the right to terminate the apprenticeship contract in the event where the apprentice fails to perform his duties under the contract or it is found in the periodic reports that he

lacks the aptitude to learn. The apprentice too shall have the right to terminate the contract. Any party who wishes to terminate the contract shall notify the other of his wish to do so at least seven days in advance.

Article 15 Professional training includes theoretical and practical means and programs that provide the workers with the opportunity to develop their knowledge and skills and acquire a practical training to enhance their abilities, increase their production efficiency, prepare them for a certain profession or transfer them to other professions. Training shall take place at institutes, centers or establishments that achieve this objective.

Article 16 The Minister shall, in cooperation and coordination with competent academic and professional entities, determine all conditions and circumstances necessary for holding professional training programs, the periods of training, the theoretical and practical programs, the examination system, and the certificates given in this regard and the information that should be stated therein. This resolution may also oblige one or more establishments to conduct training sessions for workers at centers or institutes of another establishment in the event where the first establishment does not have its own training center or institute.

Article 17 The establishment which is subject to the provisions of this Chapter, shall pay the worker his entire remuneration during the period of training whether such training is provided inside or outside the establishment.

Article 18 The professional apprentice or trainee worker shall, after completing his apprenticeship or training, to work for the employer for a period equal to that of his apprenticeship or training or for a maximum period of 5 years. In the event where the apprentice or trainee fails to honor this obligations, the employer shall have the right to recover from him the apprenticeship or training expenses incurred proportionate to the remainder of the period that he has an obligation to work at the said employer.

Section Three “ Employment of Juveniles Article 19 It shall be prohibited to employ persons who are below the age of 15 years.

Article 20 Subject to the approval of the ministry, it shall be allowed to employ juveniles who reached 15 years of age but did not exceed 18 years subject to the following conditions: The Minister shall issue a resolution in which he shall determine these industries and professions, as well as procedures for and intervals of such medical examinations.

Article 21 Juveniles shall work for maximum of six hours per day, and shall not be employed for more than four hours straight, followed by a break of not less than one hour. They shall not be employed for overtime working hours, on weekly rest days, official holidays or at any time from 7:

Section Four “ Employment of Women Article 22 It is prohibited to employ women at night during the period from This excludes hospitals, sanatoriums, private treatment homes and establishments in respect of which a resolution by the Minister of Social Affairs and Labor shall be issued. The employer shall, in all cases referred to in this article, provide them with all security requirements as well as transportation means from and to the workplace. The working hours during the holy month of Ramadan shall be excluded from the provisions of this Article.

Article 23 It shall be prohibited to employ any woman in works that are hazardous, arduous or harmful to health. It shall also be prohibited to employ any woman in jobs that violate morals and that exploit her femininity in violation of public morals. No woman shall be made to work at establishments that provide services exclusively for men. Such works and establishments shall be specified by a resolution from the Minister of Social Affairs and Labor after consultation with the Labor Affairs Consulting Committee and the competent organization.

Article 24 A pregnant working woman shall be entitled to a paid maternity leave of 70 days, not included in her other leaves, provided that she gives birth within this period. After the end of the maternity leave, the employer may give the working woman, at her request, an unpaid leave for a period not exceeding four months to take care of the baby. The employer may not terminate the services of a working woman while she is on such leave or during her absence from work because of a sickness that is proved by a medical certificate that states that the sickness resulted from pregnancy or giving birth. The employer shall establish a nursery for children below the age of 4 at the place of work in the event where the number of female workers exceeds 50 or the number of workers exceeds

Article 26 A working woman shall be entitled to remuneration similar to the remuneration of a man if she performs the same kind of work.

Chapter Three Section One “ Work Contract Structure Article 27 Anyone who has completed 15 years of age shall be eligible to conclude a work contract if the period of the contract is not specified. In the event where the period is specified, it should not exceed one year, until he will reaches 18 years of age.

Article 28 The work contract shall be made in writing and contain, in particular, the signing and effective dates of the contract, the amount of remuneration, the term of the contract if it is for a

specific period and the nature of work. The contract shall be made in three copies, one for each party and the third shall be lodged with the competent authority at the Ministry. In the event where the work contract is not established by means of a written document, it shall still be deemed to exist and the worker may, in such event, establish his rights by all means of evidence. Regardless of whether the work contract is for a specific or indefinite term, the remuneration of the worker may not be reduced during the contract validity period. Any agreement to the contrary, whether made before or after the effective date of the contract, shall be deemed null and void because this matter is related to the general order. Article 29 All contracts shall be written in Arabic and translations to any other language maybe added thereto, provided that the Arabic version shall prevail in the event of any dispute. The provision of this article shall apply to all correspondences, publications, by laws and circulars issued by the employer to his workers. Article 30 In the event where the term of the contract is specified, such term shall not exceed five years nor shall it be less than a year. The contract may be renewed after the expiry of the specified period with the consent of both parties. Article 31 If the period of the work contract is specified and both parties continue to implement it after the expiry of the period thereof without formal renewal, the contract shall be deemed renewed for a similar period with the same condition, unless both parties agree to renew it under other conditions. Section Two "Obligation of Workers and Employers and Disciplinary Penalties Article 32 The probation period of the worker shall be specified in the work contract, provided that it shall not exceed working days. Either party may terminate the contract during the probation period without notice. The worker shall not be on probation more than once for the same employer. The Minister shall issue a resolution to organize the conditions and regulations of work during the probation period. Article 33 In the event where the employer entrust another employer with the performance of a task or part thereof under the same conditions, the employer entrusted with the work shall treat his own workers and those of the original employer equally concerning all rights and both employers shall be jointly liable in this regard. Article 34 The employer, who contracts for the execution of a government project or who employs his workers in remote areas, shall be obliged to provide them with a suitable accommodations and means of transportation to such remote areas free of charge. In the event where no accommodation provided, the employer shall pay them an appropriate accommodation allowance. The Minister shall, by means of resolution, determine the areas that are distant from urban development, the conditions of suitable accommodation and accommodation allowance. In all other events where he is required to provide accommodation for his workers, the employer shall be subject to the provisions of the resolution referred to in the preceding paragraph concerning the conditions of suitable accommodation and determining the accommodation allowance. Article 35 The employer shall affix at a conspicuous location at the work place, the table of penalties that may be imposed on violating workers. In preparing the tables of penalties, the employer shall take into consideration the following: The ministry may modify these tables depending on the nature of the establishment or of the work and in line with the provisions of this Law. The Ministry shall present these tables to the competent organization, if any. Where no such competent organization exists, the general union shall be referred to and requested to provide its remarks and suggestions with regard to these tables. Article 37 No penalty may be imposed on the worker unless he has been informed in writing of the act attributed to him, his statements have been heard, his defense investigated and the minutes of the investigation kept in his personnel file. The worker shall be notified in writing of the penalties imposed upon him, their type and amount and the causes of the imposition thereof as well as the punishment that he will be exposed to in the event of repetition of the violation. In the event where the punishment exceeds such deduction, the exceeding amount shall be deducted from remuneration of the following month or the following months. Article 39 The worker may be suspended from work during the period of investigation conducted by the employer or his representative provided that it does not exceed than 10 days. In the event where the investigation is completed and the employee is not held liable for any violation, he shall be paid his remuneration for the period of suspension. Article 40 The employer shall keep the proceeds of all deductions from remunerations of workers in a fund allocated for use in the social, economic and cultural matters that benefit the workers. Deductions imposed on workers as penalty shall be recorded in a special register, stating the name of the worker, the amount of deduction and the reason of such deduction. In the event where the

establishment is liquidated, the total amount of the deductions existing in the fund shall be distributed among the workers employed by the employer at the time of the liquidation, in proportion to their respective periods of service. The Minister shall issue a resolution setting forth the regulations that regulate the said fund and the method of distribution. In such events, the decision of dismissal shall not result in the deprivation of the worker of his end of service benefit c- The employee who is dismissed for any of the reasons stated in this article shall have the right to object to such decision before the competent labor department in accordance with the procedure set forth in this Law. If it is established, by virtue of the final verdict, that the employer arbitrarily dismissed his worker, the latter shall be entitled to an end of service benefit and a compensation for material and moral damages. In all cases, the employer shall inform the Ministry about his decision to dismiss and the reasons for such decision and the Ministry shall inform the Manpower Restructuring Team. Article 42 In the event where the employee is absent from work for 7 consecutive days or 20 separate days within a year without a valid excuse, the employer shall have the right to consider him as having resigned. Article 43 In the event where the worker is imprisoned due to an accusation by the employer and placed in preventive detention or is detained in execution of a non-final court verdict, he shall be deemed suspended from work. However, the employer shall have no right to terminate his contract, unless he has been convicted with a final judgment. In the event where the verdict acquitted him from the accusation of the employer, this latter shall pay the remuneration of the worker for the period of suspension and pay him a fair compensation that shall be assessed by the court. Article 44 In the event where the term of the work contract is not specified, both parties shall have the right to terminate the same by means of a notice to the other party as follows: In the event where the party wishing to terminate the contract does not abide by the period of notice, he shall be obliged to pay the other party a compensation for the notification period equal to the remuneration of the worker for the same period.

Chapter 2 : Labor & Workforce Development Agency

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The rate of growth of GDP per capita is calculated from data on GDP and people for the initial and final periods included in the analysis of the analyst. Determinants of per capita GDP growth[edit] In national income accounting, per capita output can be calculated using the following factors: Productivity improving technologies economic history Economic growth has traditionally been attributed to the accumulation of human and physical capital and the increase in productivity and creation of new goods arising from technological innovation. Increases in productivity are the major factor responsible for per capita economic growth “ this has been especially evident since the midth century. Most of the economic growth in the 20th century was due to increased output per unit of labor, materials, energy, and land less input per widget. The balance of the growth in output has come from using more inputs. Both of these changes increase output. The increased output included more of the same goods produced previously and new goods and services. During the Second Industrial Revolution , a major factor of productivity growth was the substitution of inanimate power for human and animal labor. Also there was a great increase in power as steam powered electricity generation and internal combustion supplanted limited wind and water power. Other productivity improvements included mechanized agriculture and scientific agriculture including chemical fertilizers and livestock and poultry management, and the Green Revolution. Interchangeable parts made with machine tools powered by electric motors evolved into mass production , which is universally used today. Real food prices fell due to improvements in transportation and trade, mechanized agriculture , fertilizers , scientific farming and the Green Revolution. Great sources of productivity improvement in the late 19th century were railroads, steam ships, horse-pulled reapers and combine harvesters , and steam -powered factories. By the late 19th century both prices and weekly work hours fell because less labor, materials, and energy were required to produce and transport goods. However, real wages rose, allowing workers to improve their diet, buy consumer goods and afford better housing. New goods and services included television, air conditioning and commercial aviation after , creating enough new demand to stabilize the work week. Productivity in the United States grew at an increasing rate throughout the 19th century and was most rapid in the early to middle decades of the 20th century. Demographic changes[edit] Demographic factors may influence growth by changing the employment to population ratio and the labor force participation rate. Women with fewer children and better access to market employment tend to join the labor force in higher percentages. There is a reduced demand for child labor and children spend more years in school. The increase in the percentage of women in the labor force in the U. Spending wave Other factors affecting growth[edit] Political institutions, property rights, and rule of law[edit] See also: These included new laws favorable to the establishment of business, including contract law and laws providing for the protection of private property, and the abolishment of anti-usury laws. Enforcement of contractual rights is necessary for economic development because it determines the rate and direction of investments. When the rule of law is absent or weak, the enforcement of property rights depends on threats of violence, which causes bias against new firms because they can not demonstrate reliability to their customers. Thanks to the underlying homogeneity of its land and people, England was able to achieve a unified legal and fiscal system since the Middle Ages that enabled it to substantially increase the taxes it raised after Many of these intermediate level institutions relied on informal private-order arrangements that combined with public-order institutions associated with states, to lay the foundations of modern rule of law states. In many urban areas the poor "invade" private or government land to build their houses, so they do not hold title to these properties. Much unregistered property is held in informal form through various property associations and other arrangements. Reasons for extra-legal ownership include excessive bureaucratic red tape in buying property and building. In some countries it can take over steps and up to 14 years to build on government land. Other causes of extra-legal property are failures to notarize transaction documents or having documents notarized but failing to have them recorded with the official agency. Unregistered businesses and

lack of accepted accounting methods are other factors that limit potential capital. Specifically, "democracy increases future GDP by encouraging investment, increasing schooling, inducing economic reforms, improving public goods provision, and reducing social unrest. This is due to endogeneity - forces that drive economic growth also drive entrepreneurship. In other words, the empirical analysis of the impact of entrepreneurship on growth is difficult because of the joint determination of entrepreneurship and economic growth. A few papers use quasi-experimental designs, and have found that entrepreneurship and the density of small businesses indeed have a causal impact on regional growth. Capital is subject to diminishing returns because of the amount that can be effectively invested and because of the growing burden of depreciation. In the development of economic theory the distribution of income was considered to be between labor and the owners of land and capital. New products create demand, which is necessary to offset the decline in employment that occurs through labor saving technology and to a lesser extent employment declines due to savings in energy and materials. Also, the creation of new services has been more important than invention of new goods. The transition from an agricultural economy to manufacturing increased the size of the sector with high output per hour the high-productivity manufacturing sector, while reducing the size of the sector with lower output per hour the lower productivity agricultural sector. Eventually high productivity growth in manufacturing reduced the sector size, as prices fell and employment shrank relative to other sectors. Theories and models [edit] Classical growth theory[edit] In classical Ricardian economics, the theory of production and the theory of growth are based on the theory or law of variable proportions, whereby increasing either of the factors of production labor or capital, while holding the other constant and assuming no technological change, will increase output, but at a diminishing rate that eventually will approach zero. Criticisms of classical growth theory are that technology, an important factor in economic growth, is held constant and that economies of scale are ignored. In fact, the natural growth rate is the highest attainable growth rate which would bring about the fullest possible employment of the resources existing in the economy. Solow's Swan model[edit] This section is about a neoclassical growth model. It is not to be confused with Steady-state economy Main article: Solow's Swan model Robert Solow and Trevor Swan developed what eventually became the main model used in growth economics in the s. Capital accumulates through investment, but its level or stock continually decreases due to depreciation. As a consequence, growth in the model can occur either by increasing the share of GDP invested or through technological progress. As a consequence, with world technology available to all and progressing at a constant rate, all countries have the same steady state rate of growth. Implicitly in this model rich countries are those that have invested a high share of GDP for a long time. Poor countries can become rich by increasing the share of GDP they invest. One important prediction of the model, mostly borne out by the data, is that of conditional convergence; the idea that poor countries will grow faster and catch up with rich countries as long as they have similar investment and saving rates and access to the same technology. The Solow's Swan model is considered an "exogenous" growth model because it does not explain why countries invest different shares of GDP in capital nor why technology improves over time. Instead the rate of investment and the rate of technological progress are exogenous. The value of the model is that it predicts the pattern of economic growth once these two rates are specified. Its failure to explain the determinants of these rates is one of its limitations. Although the rate of investment in the model is exogenous, under certain conditions the model implicitly predicts convergence in the rates of investment across countries. In a global economy with a global financial capital market, financial capital flows to the countries with the highest return on investment. Endogenous growth theory[edit] Main article: Endogenous growth theory Unsatisfied with the assumption of exogenous technological progress in the Solow's Swan model, economists worked to "endogenize" it. Unlike physical capital, human capital has increasing rates of return. Research done in this area has focused on what increases human capital e. Endogenous growth theory was satisfied with accounting for empirical regularities in the growth process of developed economies over the last hundred years. As a consequence, it was not able to explain the qualitatively different empirical regularities that characterized the growth process over longer time horizons in both developed and less developed economies. Unified growth theories are endogenous growth theories that are consistent with the entire process of development, and in particular the transition from the epoch of

Malthusian stagnation that had characterized most of the process of development to the contemporary era of sustained economic growth. In doing so, they make old technologies or products obsolete. This can be seen as an annulment of previous technologies, which makes them obsolete, and "destroys the rents generated by previous innovations. Europeans adopted very different colonization policies in different colonies, with different associated institutions. In places where these colonizers faced high mortality rates e. Thus, although other economists focus on the identity or type of legal system of the colonizers to explain institutions, these authors look at the environmental conditions in the colonies to explain institutions. For instance, former colonies have inherited corrupt governments and geo-political boundaries set by the colonizers that are not properly placed regarding the geographical locations of different ethnic groups, creating internal disputes and conflicts that hinder development. In another example, societies that emerged in colonies without solid native populations established better property rights and incentives for long-term investment than those where native populations were large. Human capital has been included in both neoclassical and endogenous growth models. The most commonly-used measure of human capital is the level average years of school attainment in a country, building upon the data development of Robert Barro and Jong-Wha Lee. One problem with the schooling attainment measure is that the amount of human capital acquired in a year of schooling is not the same at all levels of schooling and is not the same in all countries. This measure also presumes that human capital is only developed in formal schooling, contrary to the extensive evidence that families, neighborhoods, peers, and health also contribute to the development of human capital. He shows that economic growth is not correlated with average scores in more educated countries. Econodynamics Further information on Energy efficiency: A fixed relationship between historical rates of global energy consumption and the historical accumulation of global economic wealth has been observed. These include the great improvements in efficiency of conversion of heat to work, the reuse of heat, the reduction in friction and the transmission of power, especially through electrification. For example, the United Kingdom experienced a 1. It grew to 1., million pounds by A growth rate that averaged 1. The large impact of a relatively small growth rate over a long period of time is due to the power of exponential growth. For example, a growth rate of 2. Thus, a small difference in economic growth rates between countries can result in very different standards of living for their populations if this small difference continues for many years. Quality of life[edit] One theory that relates economic growth with quality of life is the "Threshold Hypothesis", which states that economic growth up to a point brings with it an increase in quality of life. But at that point \hat{c} called the threshold point \hat{c} further economic growth can bring with it a deterioration in quality of life. Business cycle Economists distinguish between short-run economic changes in production and long-run economic growth. Short-run variation in economic growth is termed the business cycle. Generally, economists attribute the ups and downs in the business cycle to fluctuations in aggregate demand. In contrast, economic growth is concerned with the long-run trend in production due to structural causes such as technological growth and factor accumulation. The neutrality of this section is disputed. Relevant discussion may be found on the talk page. Please do not remove this message until conditions to do so are met.

Chapter 3 : Strikebreaker - Wikipedia

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Analysts typically use these methods to identify and measure discrimination that occurs at a certain point in time within a specific domain. In this chapter, we observe that important effects of prior discrimination may be missed with these methods. The discussion expands the potential impact of racial discrimination to include cumulative effects over time, as well as the interaction between effects of discrimination experienced in one domain and at one point in time and events that occur in other domains and at other points in time. Our concern here is with effects that operate over time. For instance, studies might measure small effects of discrimination at each stage in a domain e. Over time, however, small effects could cumulate into substantial differences. We identify three primary ways through which discrimination might cumulate: Discrimination in one generation that negatively affects health, economic opportunity, or wealth accumulation for a particular group may diminish opportunities for later generations. The National Academies Press. Across processes within a domain. Within a domain e. For instance, discrimination in elementary school may negatively affect outcomes in secondary school and diminish opportunities to attend college. Even single instances of discrimination at a key decision point can have long-term cumulative effects. For example, discriminatory behavior in teacher evaluations of racially disadvantaged students in early elementary school may increase the probability of future discrimination in class assignments or tracking in middle school. Similarly, in the labor market, discrimination in hiring or performance evaluations may affect outcomes and even reinforce discrimination in promotions and wage growth. Discrimination in one domain may diminish opportunities in other domains. For example, families that live in segregated neighborhoods may have limited access to adequate employment and health care. This chapter is necessarily quite speculative. Very little research has attempted to model or estimate cumulative effects. In part, this is because modeling and estimating dynamic processes that occur over time can be extremely difficult. The difficulty is particularly great if one is trying to estimate causal effects over time. That is, we are ideally interested in measuring the presence and effects of racial discrimination at multiple points in a dynamic process. Chapters 6 and 7 address the difficulties involved in credibly measuring the presence and effects of racial discrimination within one domain at a point in time, including the difficulty of estimating how discriminatory behavior contributes to a difference in observed outcomes. Measuring the impact of discrimination on outcomes over time is even harder. Although some research attempts to track cumulative disadvantage, there is a paucity of studies that credibly measure an effect of discrimination and trace its causal effects over time. Because the cumulative question has rarely been discussed, this chapter begins by fleshing out the concept of cumulative effects of discrimination that we first introduced in Chapter 3. We then provide a more detailed discussion of the three avenues listed above through which cumulative discrimination may occur across generations, across processes within a domain over time, or across domains over time. Next, we briefly describe three existing approaches in three distinct literatures to modeling the dynamic processes of cumulative disadvantage and discrimination. Finally, we turn to issues involved in trying to measure the magnitude and importance of cumulative disadvantage and trace out the effects of racial discrimination Page Share Cite Suggested Citation: We sketch several possible approaches while commenting on the difficulties involved in their implementation. This measurement discussion is best viewed as describing a possible future research agenda; there has not been enough work in this area for us to make statements about which approaches are most promising or persuasive. First, by cumulative discrimination we mean a dynamic concept that captures systematic processes occurring over time and across domains. For example, slavery or racial exclusion of certain groups in the past that limited occupational earnings may have negatively affected wealth accumulation for future generations among these groups Sacerdote, One particularly interesting aspect of the dynamic processes that may generate cumulative discriminatory effects is the possibility of feedback effects Blau et al. That is, cumulative discrimination may be more than an additive process in which the effects of discriminatory incidents sum over time to form larger

and larger outcome disparities. The probability of future discriminatory events may be causally related to past discriminatory events, so that current discrimination may increase the probability of future discrimination. Over time, lower performance by such students may do the following: In an example from the labor market, discrimination in job hiring could make individuals in the target group reluctant to invest in future education or training, permanently lowering their skill levels. This outcome could in turn reinforce employer prejudices and lead to ongoing hiring discrimination in the future. Page Share Cite Suggested Citation: For example, very small amounts of bias at each level of a multilayer organization can result over time in major bias at the top level with regard to the composition of top management Martell et al. Similarly, the amount of discrimination measured at any one stage in a particular domain may be relatively small e. Williams and Neighbors posit that examining a single instance of discrimination may result in substantially understating the overall level of discrimination. For instance, chronic, everyday exposure to small amounts of discrimination may occur in school, at work, or in public settings. Third, current legal standards do not adequately address issues of cumulative discrimination. In the legal sense, discrimination is conceived of as an event that happens at a specific time and place, rather than as an ongoing process yielding cumulative disadvantage over time. Standards of disparate treatment and disparate impact typically focus only on the current environment and give little weight to prior discriminatory behaviors and practices that affected earlier generations, other domains, or past experiences. Therefore, the concept of cumulative discrimination is not addressed directly by current legal definitions of or legal remedies for discrimination. The greater the extent and burden of cumulative discrimination, the more powerful are the arguments for broadly tailored remedies legal or legislative that address large racial disparities, rather than narrowly tailored legal remedies that address specific instances of discrimination. Fourth, the effects of cumulative discrimination can be transmitted through the organizational and social structures of a society. For instance, policies and processes that produce inequalities in housing and labor markets e. Faced with persistent discrimination and societal disadvantage, disadvantaged racial groups may make life choices under these racially biased conditions that limit their life chances and future opportunities. Hence, any discussion of cumulative discrimination will move us to closer consideration of the institutional and social processes through which disadvantage is transmitted. Although there is a paucity of empirical work attempting to measure Page Share Cite Suggested Citation: In this chapter, our goal is to consider possible approaches to identifying and measuring the cumulative effects of discrimination. For instance, continued racial segregation in housing has ongoing implications for wealth levels and accumulation in future generations Conley, ; Oliver and Shapiro, Department of Education, b. Thus, parents who experience discrimination may socialize their children to avoid certain places or situations, or they may have educational and occupational experiences, knowledge, or goals that limit prospects for their children see Bowman and Howard, ; Boykin and Toms, ; Hughes and Chen, Discrimination against parents at one point in time may limit prospects for their children even if the discriminatory behavior comes to an end or the children face no discrimination. Although evidence of the impact of parental income on child outcomes is mixed, recent work suggests that parental income may be particularly important for younger children in low-income families see Duncan and Magnuson, , for a summary. For example, if parents cannot afford to live in better school districts or provide extracurricular learning opportunities, their children are likely to do worse in school. Thus, factors, including discrimination faced by parents, that limit parental income may lead to lower achievement by their children. An ongoing debate within sociology and other disciplines concerns the extent to which outcomes for one generation persist over time and spill over Page Share Cite Suggested Citation: In particular, some suggest that racial and ethnic differentials narrow and even disappear after one or two generations Gordon, ; Park, Others argue that differentials persist across generations, affecting human capital accumulation Alba et al. Borjas finds that education and skill differentials between immigrant and native U. He also shows that differentials converge after four generations; however, experiences among different immigrant groups are qualitatively different and should not be generalized. Thus, after slavery ended, former slaves caught up to free blacks, and the large literacy gap that existed between them disappeared. Weinberger and Joy indicate that wage gaps are small between college-educated blacks and whites when they are first hired, but the gaps increase in the years after they leave college. This finding is at least consistent with a theory of cumulative

discrimination although there may be other explanations as well. In education, as noted above, biases in teacher expectations in the early years of schooling may affect later educational experiences and student performance Ferguson, ; Jussim, ; Jussim et al. Thus, there may be slower convergence of differentials over time between non-European immigrants and U. Similar examples can be seen in cumulative interactions within the criminal justice or health care systems. Single instances of discrimination that affect key outcomes may have cumulative effects even if no future discrimination is experienced. Even more problematic, discriminatory effects at one point in time may place an individual at greater risk of future discrimination, leading to even larger cumulative effects. The institutional processes that evaluate individuals and determine their progress through a system over time can be important in transmitting cumulative discriminatory effects. For instance, most schools use tracking—that is, grouping students into classes or special programs by achievement level. This process typically begins in elementary school and continues through secondary school Alexander et al. Several researchers have shown that track divergence occurs over time Gamoran and Mare, ; Kerckhoff, Mickelson determined that racially disadvantaged students e. Mickelson conducted a survey of all middle and high schools in the Charlotte—Mecklenburg school district, long considered a model desegregated district. An examination of all eighth-grade middle school English placements showed that of those who scored in the highest decile as second-grade students, whites were about four times more likely to be in the highest track compared with their black counterparts. This disparity was evident even after controlling for prior achievement, family background, and other factors. Mickelson concludes that systematic track placements that differ because educators teach, advise, or schedule blacks differently than whites constitute evidence that discrimination is occurring. Discrimination Across Domains Discrimination in one domain may also affect outcomes in other domains. In education, discrimination may negatively affect later academic achievement, which in turn may limit access to employment opportunities and affordable housing. Discrimination in hiring can affect residential options, which can also affect schooling and employment options. Discrimination in housing markets is particularly problematic because the distribution of housing affects factors associated with place of residence, such as education, access to jobs, and home equity. Past findings on the influence of neighborhood characteristics on other domains are mixed Jencks and Mayer, Some of the most persuasive research has occurred in recent years, as the U. Department of Housing and Urban Development has funded a series of randomized experiments seeking to identify the effects of residential location on family and child outcomes. The Moving to Opportunity studies are following families who volunteered for relocation out of public housing projects. A randomly assigned subset of these families received help in relocating to low-poverty neighborhoods only with ongoing rental subsidies through Section 8 vouchers. Results to date indicate that families who moved to low-poverty neighborhoods, compared with the comparison group, have experienced higher employment rates and income, better housing conditions, less exposure to criminal activity and violence, and improved physical and mental health among adults and children Del Conte and Kling, ; Ludwig et al. The results vary somewhat across different cities, but they are consistent with a review of related nonexperimental research by Leventhal and Brooks-Gunn Many argue that racial discrimination has been highly important in determining residential location patterns Massey and Denton, The Moving to Opportunity studies indicate how residential location can have substantial effects on other outcomes. There is additional research linking residential location with outcomes in other domains. For instance, the so-called spatial mismatch literature investigates how residential location may influence job finding and unemployment Kain,

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