Avoiding Unique Employment Law Challenges Posed by the Generation Y Work Force

Publication

4.11.11

Generation Y workers, defined as those individuals born between 1977 and 1995, are becoming an increasing part of our workforce. These individuals occupy a wide variety of positions from cashiers at a retail store, to warehouse employees at a distribution center, to administrative employees at a corporate office.

This younger generation of workers presents challenges based on their desire for autonomy, flexibility, recognition and ability to balance work and family. Their established societal norms on what is considered proper and appropriate has demonstrated a tolerance for conduct that may have been shunned not just 50 years ago, but 10 years ago. One need only compare the interaction between the sexes on television shows such as "I Love Lucy" and "The Cosby Show" with "Jersey Shore" and "Sex and the City." This tolerance of conduct by Generation Y employees has spilled into the workplace in the form of violations of anti-harassment and similar policies.

Recognizing the unique challenges posed by this group of employees along with a depressed economic climate and increase costs associated with litigating such claims, a heightened emphasis must be placed on preventative measures that will reduce risk and strengthen a retail company should it need to assert or defend its interests in litigation. The following preventative steps are recommended for those in the chain store industry, to minimize risk and protect interests:

- Implement stringent confidentiality agreements.

- Revise computer/email/Internet policies to acknowledge the use of social networking sites.

- Determine whether "love contracts" are necessary.

- Be mindful of meal/rest break policies and the energetic employee who always wants to "work through lunch.

- Prioritize exit interviews for employees with confidential information.

- Review offer letters to ensure that "at-will" language is contained therein.

- Update handbooks on a regular basis.

This article appeared in the April 11, 2011 issue of *Chain Store Age*.

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