**LifeStages\_WORK.mp3**

**Hannah McCarthy** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**Nick Capodice** [00:00:08] Hey Everyone.

[00:00:09] This is Nick.

**Hannah McCarthy** [00:00:09] And this is Hannah McCarthy. We have a kind of exciting announcement for everyone. Those of you who may remember a year ago when we asked for support to keep the podcast up and running we did it to appeal to the goodness of your heart.

**Hannah McCarthy** [00:00:21] This time around we want to give you a little something that we want to say thank you. Materially.

**Nick Capodice** [00:00:27] We got magnets. We've got stickers.

[00:00:29] We got water bottles. We got totes and we have an adorable Civics 10-Onesie for a 6 month old baby that says future voter on the back.

**Hannah McCarthy** [00:00:36] It's the cutest thing in the world.

[00:00:37] But the one we wanted to talk about today is the Civics 101 tote bag.

**Hannah McCarthy** [00:00:40] That's right.

**Nick Capodice** [00:00:41] Hannah you like totes right.

**Hannah McCarthy** [00:00:43] I don't I don't just like totes totes or part of my identity.

**Nick Capodice** [00:00:48] I don't have any tote bags. I mean I'm not a tote scholar like you. What is this that you've sort of slung on the table.

**Hannah McCarthy** [00:00:55] What have I. What have I brought to us?

**Nick Capodice** [00:00:56] What hath Hannah wrought?

**Hannah McCarthy** [00:00:57] I have brought in at least a dozen totes here stuffed into one of my favorite totes the WNYC bag.

**Nick Capodice** [00:01:05] Classic tote.

**Hannah McCarthy** [00:01:05] But I guess hell you think you know none of these totes are quite right. You know none of these are quite Goldilocks' is perfect bed. I mean let's take this for example.

**Nick Capodice** [00:01:16] What does that horror.

[00:01:18] Oh god is that NHPR.

**Hannah McCarthy** [00:01:20] This is an NHPR tote. We've since changed to a canvas. This is not a canvas tote. This is some kind of vinyl.

**Nick Capodice** [00:01:26] Yeah.

**Hannah McCarthy** [00:01:28] Okay. All right so here is a nice canvas tote right. We like the canvas. This tote is actually the same size as our tote and it's a perfect size I can carry everything in this thing. My only quip is that the handles are just a little too short.

**Nick Capodice** [00:01:42] How short are those handles.

**Hannah McCarthy** [00:01:44] I think these are twenty four inches.

**Nick Capodice** [00:01:45] Okay. Our tote is the same size 15 by 15 and a half inches and the handles are 26 inches.

**Hannah McCarthy** [00:01:50] So that's that's a dream come true.

**Nick Capodice** [00:01:52] It's a huge difference.

**Nick Capodice** [00:01:54] All of your natural canvas white totes are pretty hideous.

**Hannah McCarthy** [00:01:58] They are pretty... well --

**Nick Capodice** [00:02:00] They're stained,.

**Hannah McCarthy** [00:02:01] They're loved.

**Nick Capodice** [00:02:01] Okay.

**Hannah McCarthy** [00:02:02] But yes they're stained they're quite stained.

**Nick Capodice** [00:02:04] So the Civic's went to one toad is black with the logo in yellow and white on top of it. It's a very striking very professional design. There's a ton more besides the tote that you can see if you go to Civics 101 podcast dot org. Have a look at the different gifts we have on offer for a mere five dollars a month as a sustainer for Civics 101, you get this beautiful tote.

**Hannah McCarthy** [00:02:25] Go to Civics 101 podcast dot org to check it all out and thank you in advance for your kind contribution.

**Nick Capodice** [00:02:32] On to the episode.

**Hannah McCarthy** [00:02:40] Nick can you believe that we're at work right now.

**Nick Capodice** [00:02:42] Yes. That is where we work.

**Hannah McCarthy** [00:02:44] But I mean our job is to learn stuff and then tell other people what we've learned.

**Nick Capodice** [00:02:50] Yeah I see what you're getting then we got a bit of a dream job here.

**Hannah McCarthy** [00:02:53] We got a bit of a dream job. Also the hours are reasonable.

**Nick Capodice** [00:02:56] True.

**Hannah McCarthy** [00:02:57] We aren't locked into the building.

**Nick Capodice** [00:02:58] Also true.

**Hannah McCarthy** [00:03:00] The air is breathable.

**Nick Capodice** [00:03:02] Yeah.

**Hannah McCarthy** [00:03:02] Nobody physically threatens us.

**Nick Capodice** [00:03:05] Hold on.

[00:03:05] Not that I'm not grateful and all but can I just say of course we're not Lowell mill girls in nineteen hundred. We're Republic radio hosts in 2019.

**Hannah McCarthy** [00:03:15] That's a good point. But you know we didn't get here by accident. People had to ask for better conditions demand better conditions our jobs look the way they do because of hundreds of years of protests strikes rallies negotiations and legislation.

**Nick Capodice** [00:03:31] So it all started back in the 20th century.

**Hannah McCarthy** [00:03:34] Actually we get to go back even further than that way back. The story of work in the United States begins before we were the United States and my work in the United States by the way is cohosting Civics 101. I'm Hannah McCarthy.

**Nick Capodice** [00:03:48] And I'm Nick Capodice. And to understand the way that work works in this country.

[00:03:58] It helps to understand where we came from in order to get to ergonomic office chairs and lunch breaks and safety measures and a living wage.

[00:04:11] We had to pass through grueling hours child labor factory fires and futile strikes. Through unpaid labor servitude and abuse through the enslavement of millions of people in the name of capitalism.

**Priscilla Murolo** [00:04:34] Well.

[00:04:34] The vast majority of working people in the colonies were bound laborers in some way.

**Hannah McCarthy** [00:04:42] This is Priscilla Murollo. She's a history professor at Sarah Lawrence and co-author of From the Folks who Bought you the Weekend.

**Priscilla Murolo** [00:04:49] They might be apprentices who were legally bound to work for their master craftsman. They might be indentured servants who were bound for a period of years or they might be enslaved. But they were bound to in some way wage work as we know it. Selling your labor and having the right to quit an intolerable job was quite rare.

**Hannah McCarthy** [00:05:14] When Priscilla says bound laborers. She is talking about people who cannot quit. Some were obligated to work for say a master craftsmen for a period of time so that would be an apprentice working in exchange for learning a craft. Others were indentured servants working to pay off a debt like passage to America. Those were almost without exception white people and then there were those who are obligated to work because they were enslaved and owned by another person. Those were almost without exception people of color. Work was a very different thing for most people in colonial America than it is today.

**Priscilla Murolo** [00:05:52] The settlers of that colony preferred indentured labor to enslaved labor because it was more expensive to buy in and enslaved workers than it was to buy and intentioned workers someone enslaved only for a short period of time and chances were that the Labor was only going to live a few years anyway because the work was very hard and the swamps carried a lot of fever.

**Hannah McCarthy** [00:06:20] But it wasn't just hard risky work that went into being an indentured servant. These positions were oppressive and bound by contract indentured servants were forbidden to quit. They needed permission from their master to get married. They were sometimes beaten.

[00:06:36] But if they lived long enough they would eventually work off that debt.

**Nick Capodice** [00:06:43] Right. And their conditions were I imagine were nowhere near as bad as enslaved people.

**Hannah McCarthy** [00:06:48] Right. That's a good point. We're going to be talking about a perception of some common experience here but enslaved people were bound for life. They were often shackled whipped. Mutilated. Sexually assaulted and sometimes murdered. In many states they were forbidden from being educated. And in all cases actively deprived of personal identity and a sense of humanity. Indentured Servants. By contrast did live under harsh and restricted conditions but they had some rights. The commonality here is being bossed under oppressive conditions of some kind.

**Priscilla Murolo** [00:07:32] People resist being bussed in all kinds of ways sometimes just passively and sometimes through confrontation. But they have historically resisted it and this is the heart in many respects of the labor movement.

[00:07:48] That and the notion of solidarity.

**Hannah McCarthy** [00:07:52] Solidarity standing together against a common enemy even though indentured servants were by no means in the same camp as enslaved people.

[00:08:01] Both groups lived under the thumb of the ruling class.

**Priscilla Murolo** [00:08:04] Especially after a big rebellion in Virginia in 16 76.

[00:08:10] A hundred years before the American Revolution the rebellion called Bacon's Rebellion. This was a big uprising of indentured servants and slaves together.

**Hannah McCarthy** [00:08:20] This Bacon guy he considered all indigenous peoples to be the enemy of the colonists. He wanted to attack both friendly and defensive tribes and the governor of Virginia was just not having it. So Bacon rallied support.

[00:08:35] He promised freedom to all servants and enslaved people who would join his cause indentured servants united with enslaved people in a common cause. All sharing the bond of bound servitude and this was alarming for the elites.

**Priscilla Murolo** [00:08:57] The fathers of Virginia the ruling fathers of Virginia thought when had to find a way to divide these two groups and one of the things that they did was to get more generous in the good conditions of bounds laborers to begin to segregate in the law.

**Nick Capodice** [00:09:16] So the people in charge see the possibility of a unified oppressed class and they're like No way gonna nip this in the bud right.

**Hannah McCarthy** [00:09:24] Right. They crafted this stark division between races by providing indentured servants and non land owning white males with more rights and power and they passed laws that made relationships between those indentured servants and enslaved people untenable.

**Priscilla Murolo** [00:09:41] For example if you ran away.

[00:09:44] From slavery or you ran away from an intense shirt you would be punished under the law. But if you ran away together a slave and an indentured servant together they would be punished more severely.

**Hannah McCarthy** [00:09:56] So now you've got this perception of enslaved people at the bottom of the work ladder and indentured servants are rung above. And Virginia lawmakers also start to lean into language around African descent in 16 22. They codified the idea that slavery is hereditary and lifelong and that basically anyone of color brought into the country as a servant should be considered a slave.

**Nick Capodice** [00:10:22] So now just just the shade of your skin can mean that you're going to be enslaved or associated with slavery.

**Hannah McCarthy** [00:10:29] Right. And on top of that they've given white people some rights and power regardless of their status. And that intensifies this us versus them dichotomy and the white US stretches across economic classes for example by the mid 1400's you no longer need to own property to vote. The political parties are still run by elites but those elites now want to woo working whites.

**Priscilla Murolo** [00:10:55] They want those votes. They want that support to say we have something in common because we are white. I may be a plantation owner and you may be scratching along as a shoemaker but we're both white so we have something in common.

**Hannah McCarthy** [00:11:16] We'll come back to Priscilla in a moment but I want to introduce another person here.

**Phillip Nicholson** [00:11:20] I am Philip Nicholson. I'm Professor Emeritus retired from Nassau Community College after 46 years. I guess you could call me Phil but I mean you can introduce me as the author of a book I guess that you came across that seemed to be provocative enough for you to invite me to talk to you about the issues that you're going to bring forward today.

**Hannah McCarthy** [00:11:44] That book is Labor's story in the United States. And Phil starts that story in the same place Priscilla does with slavery.

**Phillip Nicholson** [00:11:53] Slave labor that is labor without any rights whatsoever.

[00:11:57] No human rights no civil legal rights no liberties that is rights under the law whatsoever. And that was the preferred and dominant system and when the revolutionary era unleashed calls for Liberty Give me liberty or give me death it awakened the rest of the population including women and some slaves and the formation of antislavery societies start in that period of the revolutionary era and the concept of liberty itself. That is the attainment of rights under the law.

**Hannah McCarthy** [00:12:31] This idea of liberty catches on in a way that perhaps the elites the orchestrators of the Revolutionary War had not intended employees and enslaved people see the possibility of control over their own lives and their own destiny and that includes control over their work experience in addition to growing abolitionist sentiment.

[00:12:54] There was growing unrest among workers.

**Phillip Nicholson** [00:12:57] When they first sought to organize if they if you could call it that they didn't even call them unions then.

**Nick Capodice** [00:13:03] Unions.

**Hannah McCarthy** [00:13:04] Unions.

**International Ladies' Garment Workers' Union** [00:13:09] "Look for the Union Label".

**Hannah McCarthy** [00:13:14] Kind of a union more specifically labor union or a trade union is an organization of workers dedicated to protecting themselves and others in their same field whether it's about wages or hours or working conditions. Most collect dues to keep their activities up and they negotiate with employers they lobby Congress. But the first people who tried to do something like this got into big trouble.

**Phillip Nicholson** [00:13:39] They were found guilty of engaging in a conspiracy to raise their wages.

**Hannah McCarthy** [00:13:48] The "they" Phil is talking about is the Federal Society of journeymen Cordswainers of Philadelphia. They were shoemakers employed by master craftsmen and they worked crazy hours to meet the footwear demands of the states but they didn't make very much money. So they organized into this society and demanded more pay for as a judge saw it. They committed conspiracy.

**Phillip Nicholson** [00:14:10] That's actually from the original 1906 indictment a conspiracy an illegal conspiracy to raise wages and they lost that case and they began in various towns and cities to fight through the local state or city courts and legislative bodies to win the right to associate with one another and they were not successful for the first 25 or 30 years in winning those battles.

**Hannah McCarthy** [00:14:36] The problem wasn't just that they got low pay.

[00:14:39] It was that the court was essentially saying it's illegal to organize and ask for more from your employers. But that didn't stop all kinds of workers from trying. Here's Priscilla again.

**Priscilla Murolo** [00:14:50] The first political parties to raise that issue appeared in the late 1920s they were known as the working men's parties that are mostly in the northeast and they had a much more expansive vision of us and them. They thought of themselves as speaking for working men and women usually white working men and women but not necessarily only white working men and women. And they thought of the other as their enemies as the the rich the elite.

**Hannah McCarthy** [00:15:27] The working class pitting itself against the elite.

[00:15:31] It's something that we've come close to before which is why legislators passed those racist laws that pretty much cemented the fate of people of color in the United States and kept organizing a cross working groups at bay. But this sense of commonality between poor working whites and wealthy elites started to shift with the dawn of the industrial revolution. We went from smaller scale operations and a lot of agriculture work to factories everywhere and with them came terrible working conditions grueling hours and workplace injury.

**Priscilla Murolo** [00:16:08] There was considerable support for the abolition of slavery among mill workers and Newling England. And it's not too hard to explain because they worked under terrible conditions in cotton mills processing cotton that was cultivate and under terrible conditions by slaves and they often identified with those other workers in the production process and formed antislavery associations that would be based in a factory or based in a union such as the Knights of St. Chrispin which represented shoe workers.

**Hannah McCarthy** [00:16:49] There was antislavery sentiment among workers. But it's important to note that some of that sentiment came from self-interest rather than empathy. The whole country was propped up on two co-dependent industries. You had planting and manufacturing cotton and mills in the north. Industrial capitalists exploited their workforce and in the South plantation owners exploited theirs. And while having a common enemy does not mean that white Americans saw enslaved or free people of color as being equal to them. Same goes with men and women across these groups. It was at least agreed that the expansion of slavery needed to be curbed so there were protests and strikes against the industry.

**Nick Capodice** [00:17:33] But after slavery is finally struck down you've got this massive population of freed people who need to work and they live in a part of the country that has been hostile to the very idea that they should be anything other than property. Does the sentiment of fair wages and better working conditions suddenly extend to these newly free people.

**Priscilla Murolo** [00:17:51] Certainly workers hope there would be prayed there would be demanded changes. Organized workers right after the Civil War are said. Now we have defeated slavery. Now we have defeated the most anti labor reactionary system we could imagine and we now hope to use this as a basis for remaking the whole society. Extend freedom to everyone and maximize everyone's freedom. But that is not what came to pass as we know.

**Hannah McCarthy** [00:18:26] What did come to pass is that Southern legislators severely limited all kinds of freedom for freed people including freedoms having to do with Labor after Reconstruction in the state of Mississippi.

**Priscilla Murolo** [00:18:38] It was a criminal offense. It could go to prison for breaking a labor contract and you were expected to sign up for a labor contract for should run for an entire year. So you would wind up a sharecropper working for the same. Family that hed own to you when you were enslaved and you under the state law you had to sign up to work for a year and if you left if you thought well I could do better by you I'm going to move from Mississippi to Chicago. That was illegal.

**Hannah McCarthy** [00:19:16] It was also a crime to not have a job. Many freed people ended up as tenant farmers or sharecroppers and accrued debt that lasted through generations.

[00:19:27] Which meant they were something akin to indentured servants to the families that had once owned them.

**Nick Capodice** [00:19:33] So this is a real catch 22 right. You're not allowed to quit your job to go look for another job. But you can't also not have a job right.

[00:19:45] Did those farmers ever attempt to unionize.

**Hannah McCarthy** [00:19:48] Yes the Alabama sharecroppers union came around in 1931. It was open to all races but membership was solely African-American. They staged huge strikes against landowners for fair wages and more rights. And they succeeded sometimes. But there were also violent clashes and more failures than successes.

**Nick Capodice** [00:20:08] So what I'm hearing is that more failures than successes is kind of the theme of the labor movement so far. But I look at my job today and I know over time things improve because of that movement. How do we get to this point.

**Phillip Nicholson** [00:20:21] The biggest strikes the biggest struggles in what is called after the Civil War a kind of heroic age of labor as one of their heroes a woman who I came to admire Mary Harris Mother Jones once said Those were the years of the martyrs and the saints the decades after the Civil War when the biggest battles and there were national strikes and walkouts and even almost a national general strike and the upheavals of 1877 when workers in huge very impersonal very dangerous industries mining coal minerals hard rock mining out west and the Rocky Mountains and of course in steel in various ways engaged in some of the biggest labor battles in all of American history.

**Nick Capodice** [00:21:14] So the labor unions kicking but all across the USA.

**Hannah McCarthy** [00:21:18] Well they never quite kick butt or if they do it's through a thousand tiny largely ineffectual kick's because they often do not get what they want but the noise that unions make that does make a difference. As the decades wear on meetings and protests turned violent people are killed in the name of better conditions. Buildings are burned. Machinery is destroyed and strikes were massively disruptive to industry. So legislators start to listen. Yeah we're actually going to speed ahead in time now because this is when things really start to pick up. Working conditions spark social movements like the child labor movement and the black freedom movement after the Great Depression under President Roosevelt's New Deal America. The Fair Labor Standards Act was signed in 1938. This puts an end to oppressive child labor standards. It brings us the minimum wage and overtime pay and the 40 hour work week.

**Nick Capodice** [00:22:18] And the weekend.

**Hannah McCarthy** [00:22:19] The hallowed weekend. In 1964 we get antidiscrimination laws and a right to equal pay.

[00:22:26] In 1970 we get a right to health and safety in the workplace. And it's a constant battle of worker versus industry with social and labor movements working in tandem to have their needs and wants met workers just don't shut up and it makes a difference. But what exactly did we get out of all of those decades of strife. What did all of the changes in the American workplace actually provide to the American worker. That's coming up after the break.

[00:23:00] "Which Side Are You On?"

**Hannah McCarthy** [00:23:39] Welcome back to Civics 101.

[00:23:41] Let's get to work.

[00:23:46] Work in the U.S. has come to be defined by the victories of the labor movement and for the record that history is rich and varied and complicated. And we have had to skip over most of it to get to today. But you should know that most unions in the country today are under either the AFL CIO that's the American Federation of Labor and Congress of Industrial Organizations or the change to win federation. Now what does work in America look like today.

**Camille Hebert** [00:24:15] Yeah sure. So my name is Camille Hebert. I'm a professor of law at the Ohio State University Moritz College of Law.

**Hannah McCarthy** [00:24:22] Camille teaches labor employment discrimination and employee benefits law. I asked her to run me through the ins and outs of protections rights and limits in the world of employment. And it turns out that the federal government has established a lot of rules and regulations for the workforce.

**Nick Capodice** [00:24:40] So let's say I don't even have a job yet.

[00:24:42] Am I protected even during the interview process for a job?

**Camille Hebert** [00:24:45] So yes the federal prohibition against discrimination which is generally race sex religion national origin age disability apply both of being employed stage and applying antidiscrimination is in a lot of state laws as well but it was the Civil Rights Act of 1964 that served as the hallmark. It's unlawful to refuse to hire someone because of a particularly protected category. It would also be unlawful to engage in sexual harassment at a job interview and I kind of laugh thinking Well that wouldn't happen but I've actually read cases where it did where there was actually harassment.

**Hannah McCarthy** [00:25:24] Yeah. A major theme of my conversation with Camille was my being disappointed that this stuff still happens in the workplace or anywhere for that matter. That's why we have these laws. That's why I'm telling you about them. So let's say you have a disability. What does that mean for you in the job interview process?

**Camille Hebert** [00:25:44] Particularly for disability.

[00:25:46] You have to show that you are a qualified individual a disability which essentially means you can perform the job the essential functions of the job either without any help or with accommodation with reasonable accommodation.

**Nick Capodice** [00:26:02] All right. So what happens if I suspect that I wasn't hired because of discrimination of the employer do I sue.

**Hannah McCarthy** [00:26:08] You can try and if you do prove it. If you're right if you win.

**Camille Hebert** [00:26:12] Courts will often order employers to hire. So you have to prove generally intent to discriminate on the part of the employer. Sometimes with a disability law it's a little easier sometimes to prove that because employers generally can't ask about disability at least nonobvious disability until after they've made an offer.

**Hannah McCarthy** [00:26:41] Now let's say you got the job. It's an office gig you're going to be in charge of answering the phone and you're talking wages with your new boss and your boss says look I'm going to pay you four dollars 50 cents an hour, capisce?

**Camille Hebert** [00:26:55] I mean you you have to be paid at least the minimum wage. And so if an employer says no or only hire you if you work below the minimum wage and you say no I won't do it then you can sue. You can sue for a violation that's the fair labor standards act is what does the minimum wage.

**Nick Capodice** [00:27:13] So the minimum wage in America is 725 right now right.

**Hannah McCarthy** [00:27:16] Yes.

**Nick Capodice** [00:27:16] And some of these can go higher. But no states can go lower than that.

**Hannah McCarthy** [00:27:19] Exactly. I also know that even though we have that law. If I'm a waiter or a bartender I will not get that minimum.

**Camille Hebert** [00:27:26] So there's a couple of exceptions for tipped employees can get a smaller minimum wage it's like two dollars and 14 cents. Really low as long as the tips make up the difference between that and the minimum wage.

**Nick Capodice** [00:27:42] So someone gets hired in this cushy phone answering job. What happens if you start the job and then they hire this guy Bob to answer phones with you. Bob is getting paid more than you. Is that somehow all right.

**Camille Hebert** [00:27:55] So there is a federal statute that prohibits men and went pay in men and women different wages for the same job it's called the Equal Pay Act. 1963 it was enacted but it requires you literally to show that it is the same job not worth the same but the same job.

**Hannah McCarthy** [00:28:17] Let's say that it's a woman who is hired for this phone answering job. And Bob gets hired and FAAB happens to be a man. If Bob is getting paid more than me and we're working the exact same job like same hours same amount of responsibility same effort same output then that woman might have a case she would have that case under the Equal Pay Act.

**Camille Hebert** [00:28:42] Right.

[00:28:43] Equal pay act only applies to sex. So if you're going to sue for race or any other category you have to do it under Title 7 or the age act.

**Nick Capodice** [00:28:53] Title 7 of what?

**Hannah McCarthy** [00:28:54] That'd be Title 7 of the Civil Rights Act. So if you're a person of color being paid less for the same job as a white co-worker you can sue according to discrimination on the basis of race. The Age Act of 1975 works in a similar way.

**Nick Capodice** [00:29:09] What about other workplace protections. I'm thinking about these places that have terrible conditions terrible bosses throughout history. No no wages were behind a lot of strikes and a lot of organizing. But the workplace was too right.

**Hannah McCarthy** [00:29:24] Oh yeah big time.

**Camille Hebert** [00:29:25] So harassment is covered on the same grounds as any other discrimination. So sex religion race national origin disability age.

[00:29:37] Most people hear about sexual harassment and that's what they think of and they think of it as something sexual which of course sexual harassment does generally require sexual conduct but harassment can also just be creating a hostile environment.

**Hannah McCarthy** [00:29:52] Things like yelling at your employees denigrating someone in the workplace making fun of someone for their religious beliefs. Harassment violates a lot of laws. It's covered in the Civil Rights Act the Age Discrimination in Employment Act and the Americans With Disabilities Act. There is a catch though harassment has to be either severe or pervasive or both.

**Nick Capodice** [00:30:17] So I have to be like either superduper harassed or harassed for months or years. What if someone's just making me feel bad.

**Hannah McCarthy** [00:30:25] Well that's unlikely to be enough for a case. Also harassment doesn't often have an audience right. So how do you prove that you're being harassed. E-mails are good but what if you don't have them.

**Camille Hebert** [00:30:37] Yeah if you don't have proof it's no one person's word against the other. I actually really hate when I hear you know he said she said because it just really bothers me sort of that notion you know that if you don't have outside proof somehow your own word that it happened isn't sufficient. Right. I mean it can be. It's just really hard courts are reluctant to find employers liable if it's only the woman's word about what happened thought always a woman can be a man also.

**Nick Capodice** [00:31:17] I know that's the way law goes.

[00:31:19] In America you're innocent until proven guilty and the burden of proof is on the victim. But it seems almost impossible to prove you've been discriminated against or harassed.

**Hannah McCarthy** [00:31:28] Yeah I hear you. And sometimes these cases involve that power imbalance or fear of losing your means of income fear of being fired in retaliation for speaking up. And speaking of being fired you know many employees are considered something called at will. And that means that they can quit for any reason. But it also means that their employer can pretty much fire them for any reason or no reason. Employers can read anything you wrote on a work computer. They can monitor what websites they're accessing on your phone if you're using workplace Wi-Fi. They can listen in to any call in a work phone until it's obviously personal. They can't even ask you about that sick day you took last Friday.

**Nick Capodice** [00:32:09] All right so labor unions and social movements pushed and they pushed and they push for rights and protections. But it's not like they stripped employers of total control.

**Hannah McCarthy** [00:32:17] Right. Employers still have plenty of power and protection but I think the important thing is that these laws do deter employers from discriminating against or harassing employees and they give us stuff health insurance.

**Camille Hebert** [00:32:34] What I'm thinking of is the Affordable Care Act. You have to be certain employers have to provide health insurance to full time employees and those are employees who are more than 30 hours a week overtime. I think the biggest misconception is that salaried employees are not eligible for overtime. It's actually the opposite to be exempt from overtime. You have to be salaried for the most part. Child labor laws. So the Fair Labor Standards Act has minimum wage overtime and child labor provisions. So they're for children under the age of 18 or 16 depending on the occupation. There are limits on how many hours you can work. Usually it's you know outside of school and you know certain only a certain number of hours during the school year.

**Hannah McCarthy** [00:33:19] We also have to have our disability reasonably accommodated and our employers have to protect our health safety and welfare when we're at work. If we're fired and it wasn't our fault we get unemployment pay.

**Nick Capodice** [00:33:32] When you look at the whole trajectory of work it's kind of remarkable that we got here and it looks this way at all right in large part because workers fought for the right to even just come together. They demanded it and then they kept pushing.

**Hannah McCarthy** [00:33:47] And things are still changing. There are state laws that take a lot of these federal laws and run with them. Some states mandate paid family and paid sick leave and some raise their minimum wage and some ban employers from asking you what your former wage was in order to break a cycle of unfairly low salaries especially for women and people of color. My favorite part of the story of work in America is that workers found a way to improve the system that they found themselves in and make it work for them. We do have a right to try and make things better.

**Nick Capodice** [00:34:36] One thing about workers rights you didn't mention.

**Hannah McCarthy** [00:34:38] Oh what.

**Nick Capodice** [00:34:38] It is illegal for an employer to ask an employee about their marital status. Same goes for you have kids are you planning to have kids.

**Hannah McCarthy** [00:34:45] That's actually a good rule. Where'd you hear it.

**Nick Capodice** [00:34:48] I've been doing a lot of reading on marriage divorce relationships in general and there's a lot more there like a whole episode a lot. That's next time I'm Civics 101.

**Hannah McCarthy** [00:35:07] Civics 101 is produced by me. Hannah McCarthy with Nick Capodice. Our staff includes Jackie Helbert Ben Henry Daniela Vidal Allee and Erica Janikis our executive producer.

**Nick Capodice** [00:35:17] Maureen McMurry pours herself a cup of ambition each and every morning.

**Hannah McCarthy** [00:35:21] Music in this episode a Blue Dot Sessions, the International Ladies Garment Workers Union, Lobo Loco the Almanac Singers, South London Hi-Fi. Daniel Birch and Geographer.

**Nick Capodice** [00:35:31] There is lots more to see and learn on our website civics 101 podcast dot org. And while you're at it subscribe to our newsletter. That's where we put all the tangents and fascinating tidbits that can make in our episodes and it's awesome.

[00:35:43] If I do say so myself.

**Hannah McCarthy** [00:35:46] Civics 101 is a production of NHPR -- New Hampshire Public Radio.

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