

Social Movements and their Effects
on Modern Human Resource Management

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Introduction

With the rapidly changing pace of society, the legal system in the United States and the field of human resources (HR) must continuously adapt to the everchanging societal expectations. Understanding these needs is best done through the examination of the social movements that were created by society to address the issues that the government was not putting in the forefront of policy changes. The concerns of society and the action of government frequently do not match, and without the social movements, the government would be unaware of the issues the country is facing. As much as it is important for the government to acknowledge societal needs and to revise laws pertaining to those needs, it is equally necessary for the workplace to do the same. Social movements in the United States, the lawmaking process, and the human resource management department are interconnected through a waterfall effect. Social movements drive change in federal and state legal policies, and these changes shape HR.

Over time, individuals' preferences have changed, leading to people prioritizing working at an organization that matches their values and beliefs. According to a survey from MetLife Insurance, nine out of ten people would be more interested in a company with the same values over a job that pays more (Ell, 2017). The benefits associated with matching the beliefs of their employees are the increase in job satisfaction and decrease in turnover rates. The human resource department is responsible for monitoring the changes in legislation and society and to make appropriate modifications to organizational policies in place to ensure employees are protected. It is of the utmost importance for the human resource department to be aware of the legal changes to prevent lawsuits and other forms of financial fines that could be enacted due to violating a policy or breaking the law. Furthermore, acknowledging the issues that society deems

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significant and proactively working towards adjustments through understanding the lifecycle and effects of a social movement will allow an HR department to have a competitive advantage.

The relationship between the social movements and human resources is key for proactively handling workplace concerns. The connection between social movements and HR is through the legislation. The goal of any social movement is to have laws put into place that lay out protections for the minority group. With the passage of the bill, HR needs to implement the new changes that accurately reflects the procedures in the law. This cycle continues as each new social movement garners public attention and Congress develops new laws for human resources to adjust. To ensure the regulations in the law are executed properly, human resources' policies need to reflect the changes made. An area that aids the new policies is the culture. Organizational culture is essential to the enactment of the new policy guidelines. If the employees are introduced to these new policies and are not held accountable for their actions, the culture is breeding toxicity between co-workers. This falls onto HR as they are not enforcing the policies, they deem important. With the combination of policy improvement to reflect social change and positive culture of an organization, HR will continue to evolve to reflect new societal expectations.

It is significant for human resource professionals and government officials to be cognizant of the direct relationship between social movements, legislation, and human resources. Social movements are a way that citizens of the United States respond to an issue they believe the government is neglecting. The movements' protests and lobbying are for legal amendments to be made to protect the unrepresented class. Due to the influence of the social movement, the laws are passed and directly affect the HR department in an organization. Further understanding of the three aspects and their connection to each other will benefit the individuals they serve and better prepare themselves for the next iteration of social change.

Social Movement Literature Review

Introduction

The focus of this literature review is to discuss various social movements that have been impactful to human resource management. Five social movements, #MeToo Movement, Disability Rights Movement, LGBTQ+ Rights Movement, Mental Health Movement, and Medical Marijuana Movement, have shaped the modern workplace of 2020. Thorough timelines of these movements are displayed on Figures 1-5. The foundation of progressive changes for the procedures and policies in the HR department become clear through the examination of social movements. The literature review will dive into the social changes that have affected legislation, which in turn affected human resources.

#MeToo Movement

Title VII of the Civil Rights Act

While most people associate the #MeToo movement with the viral hashtag on Twitter, the fight for protections against gender discrimination started long before with the creation of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act, shown on Figure 1. Before the implementation of these laws, women were being continuously passed over for jobs, especially in fields considered to be for men. Any job with a physical labor component would deny female applicants due to their gender, as it was assumed, they were incapable of performing the duties of the job (Hillstrom, 2019). Women were also receiving unfair wages on the basis of their gender, not their experiences or work performance. The issue was not ratified until President John F. Kennedy signed the Equal Pay Act of 1963, which sought to amend the gender-based wage gap (Hillstrom, 2019). The law denied employers from paying female personnel a lower wage than a male for duties that required the same skills, effort, and responsibility.

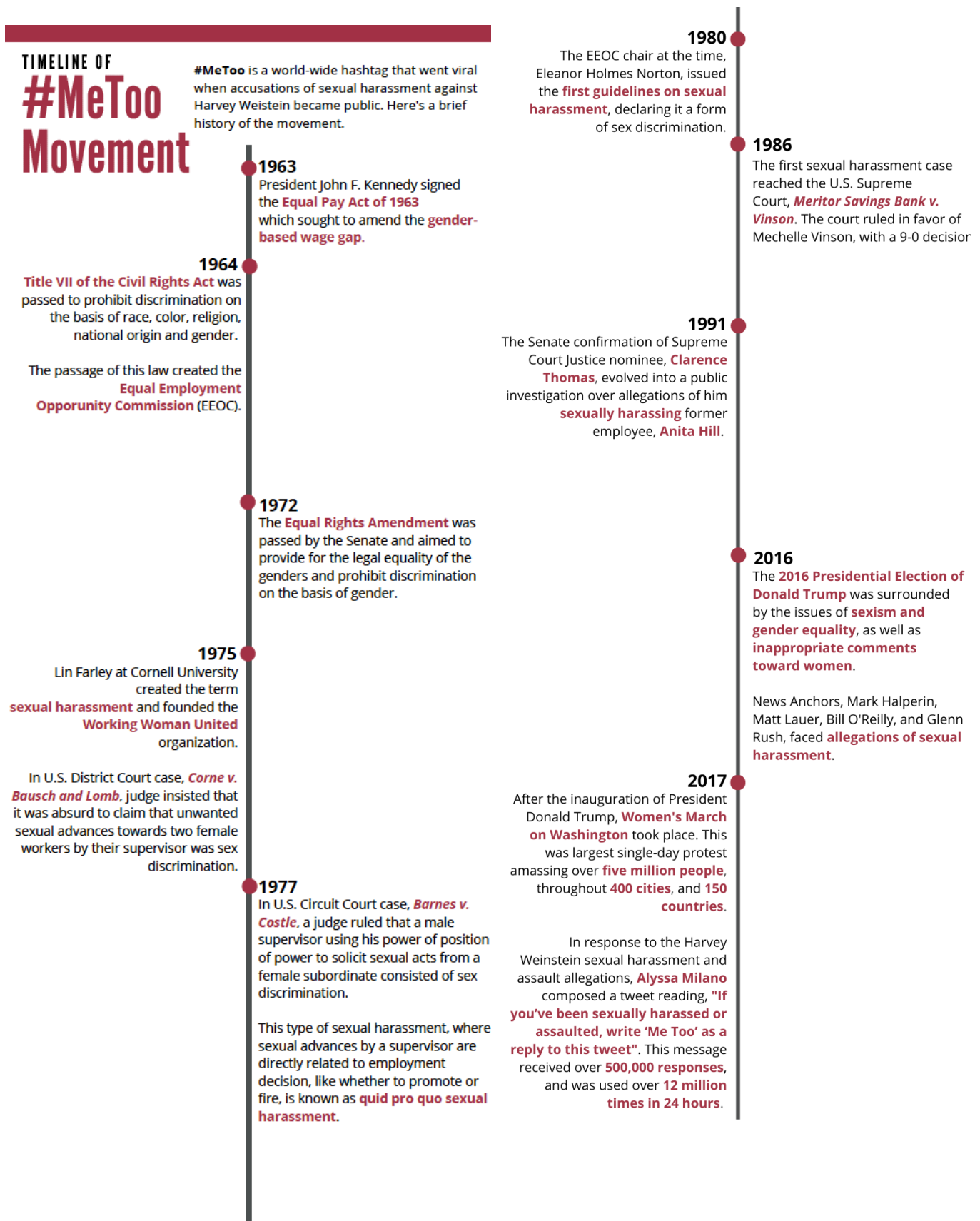


Figure 1: Timeline of the #MeToo movement

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After the assassination of President Kennedy, successor President Lyndon B. Johnson promoted the passage of Title VII of the Civil Rights Act. There were some resistors in Congress who believed adding sex to the protected rights of race, color, religion, and national origin would poison the bill and derail the passage (Hillstrom, 2019). It passed through the house after it was defended by a female Democratic Representative with the argument that if the bill was to become law without sex protected white women would have the same rights as black women. The bill had a 60-day filibuster when it reached the Senate before it was passed and signed by President Lyndon B. Johnson on July 2nd of 1964 (Hillstrom, 2019). This law not only protected women from discrimination but prohibited discrimination on the basis of race, color, religion and national origin in almost all aspects of employment. This act also created the Equal Employment Opportunity Commission (EEOC) to enforce Title VII.

The Term Sexual Harassment is Created

Since the passage of Title VII of the Civil Rights Act, the number of women in the workplace almost doubled, starting at 14% in 1966 making its way to 27% in 1972 (Hillstrom, 2019). With the increase of women in the workplace, the quantity of female employees experiencing predatory sexual behaviors from their male colleagues, including supervisors, increased as well. Women of the late 1960s and early 1970s were subjected to sexual innuendos, lewd gestures (e.g. pinching and groping), and propositions and coercion for sexual favors. This was just considered an unwanted and inevitable part of their jobs (Hillstrom, 2019). Carmita Wood, a 44-year-old mother of four, who worked in Cornell Physics Department suffered countless acts of sexual harassment, starting with unwanted leering and then progressing to groping and unwanted kissing. Her complaints and application to be transferred were ignored and she resigned as she had no other choice for her health (Hillstrom, 2019). After sharing her

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complaints with Lin Farley, a professor who taught Women and Work and an employee of Cornell Human Affairs, Farley realized that this was a common occurrence in the workplace and there was no terminology to define the unwanted advances. She coined the term “sexual harassment” to offer women a phrase to define these behaviors. Farley and other colleagues created an organization called Working Woman United, who hosted an event that gathered the attention of over 300 women. Over 70% of the female workers had recalled instances of sexual harassment, and 92% believed it was a serious issue (Hillstrom, 2019). The word sexual harassment entered the lexicon after Lin Farley used it in testifying about women in the workplace to the Commission on Human Rights of New York City. She stated, “Sexual harassment of women in their place of employment is extremely widespread, it is literally epidemic” (Nemy, 1975) After the numerous accounts of torment that women encounter in the workplace were presented, the New York Times supported the cause by using sexual harassment in its title, thus normalizing the phrase.

Who is Responsible for Sexual Harassment?

As the term sexual harassment actively infiltrated the common workplace vocabulary of women, there was influx in the quantity of claims being filed to the EEOC (Hillstrom, 2019). In early court rulings, the controversial argument centered around whether an employer is liable for the mistreatment caused by sexual harassment. The main focus of litigation after the passage of Title VII was typically associated with policies that directly promoted male workers over female workers, not the harassment and abuse commonly directed at females. Some scholars said the protections defined in Title VII did not apply to the abuse done through sexual harassment as no firm had policies that directly permitted sexual abuse (Hillstrom, 2019). Most Americans agreed on the fact that those who experienced sexual harassment deserved justice for what they had

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suffered, but that it was an interpersonal problem rather than a legal issue (Hillstrom, 2019). The public perceived sexuality as a private personal matter, not related to employment. Therefore, they did not believe it should be covered by employment law and the employer should not be accountable for the employees' actions.

In a 1975 case, *Corne v. Bausch and Lomb, Inc.* U.S. District Court judge insisted that it was absurd to claim that unwanted sexual advances towards two female workers by their supervisor was sex discrimination (Hillstrom, 2019). In his published opinion, he supported his point by stating, "The only sure way an employer could avoid such charges would be to have employees who were asexual" (*Corne v. Bausch and Lomb, Inc.*, 1975). Many activists argued with the ruling clarifying that the only reasoning these employees were targeted was due to them being women, thus it should be considered a form of sex discrimination. This concept was not enforced in the court system until 1977 in the case of *Barnes v. Costle*, where a U.S. Circuit Court judge ruled that a male supervisor using his position of power to solicit sexual acts from a female subordinate consisted of sex discrimination (Hillstrom, 2019). This type of sexual harassment, where sexual advances by a supervisor are directly related to employment decision (e.g. whether to promote or fire) is known as quid pro quo sexual harassment (Hillstrom, 2019). After numerous trials, with different judges concluding differently on the topic, the EEOC chair (Eleanor Holmes Norton) issued the first guidelines on sexual harassment in 1980; they declared it a form of sex discrimination. These guidelines went as follow:

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as the

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basis for employment decisions affecting such an individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment" (The U.S. Equal Employment Opportunity Commission (EEOC), 1990).

The Equal Employment Opportunity Commission's guidelines re-enforced the conclusion the courts had previously made that quid pro quo arrangements were a form of sex discrimination. The EEOC guidelines further broadened the category to include hostile working environment conditions (Hillstrom, 2019).

The U.S. Supreme Court Speaks on Sexual Harassment

After the Equal Opportunity Employment Commission issued guidelines on these forms of sexual harassment in the workplace, lower federal courts made decisions supporting these guidelines, but only when the quid pro quo sex discrimination caused economic injury. Economic injury encompasses losing a job, being rejected from promotion or wage increases, or having employment benefits denied (Hillstrom, 2019). When it came to noneconomic injury, like psychological harm associated with hostile work environments, the courts were unsure whether an employer could be held responsible. The first sexual harassment case reached the U.S. Supreme Court in 1986, *Meritor Savings Bank v. Vinson*. Mechelle Vinson was hired as a bank teller trainee in 1974 at the age of 19 years old. Sidney L. Taylor, the branch manager and assistant vice president, hired her and became her direct supervisor. Over the two years Mechelle worked at the organization, her boss "touched her inappropriately, exposed himself to her, demanded sexual favors, and forcibly raped her on several occasions" (Hillstrom, 2019, p. 22). She estimated that over her employment she was subjected to 40-50 unwelcomed and forced sexual intercourse with her direct supervisor while fearing for her job safety (Hillstrom, 2019). In

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1978, Vinson informed Meritor Savings Bank that she would be taking indefinite sick leave which lead to her eventual termination. Vinson then filed a civil lawsuit against her previous workplace, claiming both her superior, Sidney Taylor, and Meritor Savings Bank were responsible for the severe and pervasive sexual harassment she suffered, which created a hostile working environment. Taylor denied the claims that the sexual advances were unwelcome, stating that the two participated consensually in the acts (Hillstrom, 2019). Meritor also claimed they were not liable for Taylor's conduct as Vinson never notified the company about policy violations. When finally taken to the Supreme Court and oral arguments were heard, the court ruled in favor of Mechelle Vinson with a 9-0 decision. Justice William H. Rehnquist, who wrote the majority opinion, concluded that Title VII was intended by Congress to be used to "strike at the entire spectrum of disparate treatment of men and women in employment" (*Meritor Savings Bank v. Vinson*, 1986). In his opinion, Rehnquist also clarified that an individual does not need to suffer tangible economic injuries for the victim to be entitled to legal compensation; He compared the sexual harassment to racial harassment, claiming that hostile or offensive environments are just as detrimental to sexual equality as it is to racial equality.

The Clarence Thomas – Anita Hill Hearings.

In 1991, the Senate confirmation of Supreme Court Justice nominee, Clarence Thomas, evolved into a public investigation over allegations of him sexually harassing former employee, Anita Hill. These allegations thrust the topic of sexual harassment into the spotlight as this would be the first notable high-profile individual being accused of sexual harassment in the workplace (Hillstrom, 2019). Clarence Thomas was appointed by President George H. W. Bush to fill the vacancy that was to be left by Justice Thurgood Marshall. Thomas was head of EEOC for eight years, where he "opposed the use of affirmative action policies to remedy past

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discriminations against women, racial minorities, and other historically marginalized groups” (Hillstrom, 2019, p. 25). Though Clarence Thomas had views seeming controversial to some, it was expected that his confirmation would be won with no issues until a Federal Bureau of Investigation (FBI) background report was leaked to the public (Hillstrom, 2019). This report detailed the allegations made by Anita Hill, an intern of Clarence Thomas. This account generated a second round of Senate hearings in which Hill testified in front of 14 white, male Senators. Hill recounted inappropriate workplace behavior her supervisor, Clarence Thomas, engaged in. She spoke about his pattern of abuse consisting of Thomas making offensive comments, repeatedly asking her on dates after being rejected, commenting on her clothing (and whether it was appropriate), discussing sexually explicit content, and bragging about his sexual endeavors (Hillstrom, 2019). The Republican Senators in their cross examination began to attack Hill’s credibility, her understanding of the situation, and her motive of coming forward; meanwhile the Democratic party left out crucial witnesses who could have corroborated her story (Hillstrom, 2019). Clarence Thomas was later confirmed by the United States Senate to become a Supreme Court Justice after the Senate hearings (Hillstrom, 2019).

The 2016 Election of Donald Trump

The presidential election in 2016 was the first time in history that a female candidate was nominated by a major political party to run for office. Hilary Clinton was put up against her Republican counterpart, Donald J. Trump. With the presence of a woman as a candidate, the issues of sexism and gender equality were national attention (Hillstrom, 2019). Donald Trump’s conduct towards women was spoken by news outlets and frequently consisted of accusations of misogynistic comments. These remarks objectified and degraded women, including taking advantage of them to commit sexual assault. After these allegations were brought to the public

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eye, several women came forwards with their own personal accounts of the presidential candidate sexually harassing them (Hillstrom, 2019). The most loyal of supporters were not fazed by these allegations but instead supported the sexist remarks, using them as slogans for t-shirts at campaign rallies (Hillstrom, 2019). Amid the election, Donald Trump repeatedly made comments about his competitors, moderators, or even members of the audiences. One of the remarks he had made insinuated that Megyn Kelly, who moderated a debate, was being rude to him in her questions due to the fact that she was menstruating at the time (Hillstrom, 2019). Trump had further made comments about women's appearances, referring to them as dogs, dirty pigs, or disgusting animals. Though these comments and others flooded the media, Donald Trump was elected president in 2016 (Hillstrom, 2019). Public debate around sexual harassment and assault grew to an all-time high, leading to high profile male media personalities being accused of sexual harassment. Mark Halperin of ABC News, Matt Lauer of NBC News, Bill O'Reilly of Fox News, and Glenn Thrush of Politico were all accused of sexual harassment following the election of President Donald Trump (Hillstrom, 2019).

On January 21, 2017, the day after Donald Trump's inauguration, the largest single-day protest was held in Washington D.C. The location in the nation's capital drew over 500,000 people; similar marches occurred in over 400 different cities and amassed another three million (Hillstrom, 2019). Another 150 international marches occurred, raising the number to roughly 5 million people worldwide (Hillstrom, 2019). Though the march initially was not a direct result of his election, it was repurposed as a way to show the newly elected president that the actions displayed in his election would not be tolerated. The mission statement explained that, "the Women's March on Washington will send a bold message to our new administration on their first day in office and to the world, that women's rights are human rights. We stand together,

recognizing that defending the most marginalized among us is defending all of us” (Hillstrom, 2019, p. 46-47).

The Tweet that started a Movement

After the election of President Donald Trump, another A-list celebrity, Harvey Weinstein, was accused of sexual harassment and assault (Hillstrom, 2019). Weinstein’s allegation consisted of taking young women who wished to enter the acting industry, setting up seemingly professional meetings, and then subjected them to unwanted sexual advances. These advances consisted of requesting massages, asking them to watch him in the shower, exposing himself to them, masturbating in front of them, groping them, and even raping them (Hillstrom, 2019). The Hollywood film producer was known for his work on *Pulp Fiction* (1994), *Goodwill Hunting* (1997), *The King’s Speech* (2010), and more (Hillstrom, 2019). In October of 2017, when the allegations were published, Alyssa Milano, composed a tweet which said, “If all the women who have been sexually harassed or assaulted wrote ‘Me Too’ as a status, we might give people a sense of the magnitude of the problem” (Hillstrom, 2019, p. 54). Following this post, she tweeted again, “If you’ve been sexually harassed or assaulted, write ‘Me Too’ as a reply to this tweet” (Hillstrom, 2019, p. 54). Within 24 hours, the tweet had received over 500,000 responses, and the #MeToo was written over 12 million times on Facebook. The responses were from an overwhelming number of people which not only included everyday people, but also celebrities such as Lady Gaga, Sheryl Crow, and Viola Davis, to name only a few. Unknown to Alyssa Milano, the term ‘Me Too’ was created in 2006 by an African American civil rights activist Tarana Burke (Hillstrom, 2019). Ms. Burke coined this term after a thirteen-year-old girl disclosed in her that her mother’s boyfriend had been sexually assaulting her, and Burke, a survivor of the same, responded with the simple phrase ‘Me Too’. Burke later turned this saying

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into a motto for her campaign that helps women and girls heal from sexual violence and exploitation (Hillstrom, 2019).

The #MeToo movement faced criticism as some felt the sudden shift in culture would cause uncertainty in appropriate behavior. Others felt that the change could lead to men being accused of sexual harassment when awkwardly flirting or some form of sexist humor, leading to reputations being destroyed (Hillstrom, 2019). Critics even claimed women would start making false accusations to be part of the movement. Supporters of the movement rejected these claims, arguing most survivors find it difficult to come forward with their stories, leaving many stories unheard (Hillstrom, 2019). Allies of the cause noted that the #MeToo movement created a safe environment for the victims of abuse. Alyssa Milano explained, “you don’t have to tell your story. You just have to say, ‘me too’.” (Sayej, 2017).

The Disability Rights Movement

Eugenics and the United States

While eugenics is often associated with Holocaust, the origins can be traced to the mid-1800s. The principles of eugenics were based on the thought that only certain individuals had the right to pass on their genetic materials through reproduction, therefore those who had any kind of handicap, disability, or unflattering appearance should not be allowed to reproduce (Jaeger & Bowman, 2005). The man responsible for the creation of eugenics was Francis Galton, cousin of Charles Darwin. Galton was inspired by Darwin’s work, claiming the Charles Darwin’s theory of survival of the fittest could be applicable to people. This further asserted his opinion that those with disabilities did not deserve rights. A timeline of the struggles that those with disabilities went through to receive their rights is displayed on Figure 2. Darwin was noted to be deeply opposed to his cousin’s viewpoint (Jaeger & Bowman, 2005). Galton published a number



Figure 2: Disability Rights Movement

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of books explaining and proposing solutions to deal with the unfit population; one of the suggested answers was to treat those deemed useless, the same way unfit horses were treated. These views and books grasped the minds of the scientific and well-educated community, growing to the height of popularity in late nineteenth and early twentieth century (Jaeger & Bowman, 2005).

Though eugenics can be typically associated with other countries, the United States legislators and policymakers in early 1900s had agreed with the morals of eugenics, proposing ideas such as “placing all individuals with disabilities on islands by themselves (isolated by gender), permanently locking away all individuals with disabilities in institutions, or segregating them from the rest of society in an isolated part of a sparsely populated state” (Jaeger & Bowman, 2005, p. 35). In 1914, the University of Washington and the Foundation for Child Welfare produced a study of the laws surrounding the rights of those with disabilities. In the 49 states, territories, and the District of Columbia they found there were 38 laws banning the marriage of those with disabilities, some until the women reached the age past reproduction or entirely (Jaeger & Bowman, 2005). Most of the states had required institutionalization or banishment of citizens with any type of disability including physical, emotional, and mental.

In the early 1900s the proposal of such treatments, like lobotomies, involuntary sterilizations, and segregation laws become popular as an effective method of treatment. (Jaeger & Bowman, 2005). Sterilizations were one of the most common forms of trying to prevent the spreading of these so-called damaged genetics (Jaeger & Bowman, 2005). The procedures were performed various ways including vasectomies, hysterectomies, total removal of all reproductive organs, blasting the body with high X-ray radiation, or injecting the reproductive organs with radium (Jaeger & Bowman, 2005). Most of these procedures were done without the disabled

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person being aware of what procedure was actually performed on them, yet the Supreme Court of the United States upheld these practices. The justices ruled towards the continuation of sterilization in the 1927 case, *Buck v. Bell*, claiming they were preventing the country from being “swamped with incompetence” and those considered “unfit from continuing their kind” (*Buck v. Bell*, 1927).

Changing Perceptions of Individuals with Disabilities

Medical advances through the years, due to research done for those with disabilities, lead to increase survival rates of those post World War II from conditions that previously would have resulted in death. Though the perception of those suffering from disabilities has changed over time, disabled individuals were still considered somewhat irrelevant in the twentieth century society (Jaeger & Bowman, 2005). In the early parts of the century, families were still selling their children with disabilities to sideshows, circuses, and freak shows. In the 1960s, the quest for defined legal rights for people with disabilities grew in importance after witnessing the civil rights movement for racial and gender equality. The achievement of these rights would grant disabled individuals a powerful social classification and create protections for them under the law. Another benefit to these rights is showing the increase amount of humanization to the disabled community, instead of the cruel categorization as helpless individuals who needed to be separated from the majority (Jaeger & Bowman, 2005). Some of the social stigmas began to dissipate when President John F. Kennedy and his family addressed that his sister was an individual with a disability. The growing prevalence of Vietnam Veterans returning with disabilities also aided the changes in perception occurring in the United States. (Jaeger & Bowman, 2005).

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There were no constitutional rights for students with disabilities to receive a public education until 1971 when the Pennsylvania Association of Retarded Children (PARC) sued the Commonwealth of Pennsylvania (Jaeger & Bowman, 2005). The federal court found that excluding children with disabilities from the public education system was unconstitutional due to the fact the state voiced the objective of providing schooling to all children in their constitution. This landmark decision led to 36 other states filing similar lawsuits against their state governments (Jaeger & Bowman, 2005). Following these cases, the first federal law was passed granting specific legal rights to individuals with disabilities. Section 504 of the Rehabilitation Act of 1973 created the civil right of “full social participation” (Jaeger & Bowman, 2005, p. 40) and transformed the legal rights of an individual with disabilities. The basis of Section 504 was heavily influenced by the Civil Rights Act. Both laws prohibited recipients of federal funds from discriminating against protected groups and intended to protect both from intentional and unintentional discrimination (Jaeger & Bowman, 2005).

When Nixon signed the Rehabilitation Act in 1973, he did nothing to further enforce the law. The law needed to be backed by regulations and guidelines created by the Department of Health, Education, and Welfare (Jaeger & Bowman, 2005). Section 504 was not enforced until 1976, when a lawsuit, *Cherry v. Matthews*, was filed against the government. This caused a chain reaction, leading to a court order for full enforcement of the law. The court order failed to get the guidelines for Section 504 enforced, before the executive branch sent the matter back to Congress for revisions (Jaeger & Bowman, 2005).

The government’s inability to properly enforce a law intended to protect individuals with disabilities led to an increase in protests all over the country in 1977 (Jaeger & Bowman, 2005). The protests started small with wheelchair blockades in front of government offices and the

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home driveway of Secretary of Health, Education, and Welfare. The secretary was specifically targeted due to claims that they were trying to redact the most powerful part of the law. The longest of these protests was the “504 Sit-In” in front of the Department of Health, Education, and Welfare in San Francisco (Jaeger & Bowman, 2005). The 60 individuals, all with various disabilities, camped outside of the office for 25 days; they only left when Section 504 regulations were signed. The members of the Department of Health, Education, and Welfare treated the protesters like children, trying to bribe them to leave with punch and cookies or having registered nurses there to make sure they took care of themselves (Jaeger & Bowman, 2005). Those protesting the delay in the bill received support from the current congress members, Phillip Burton and George Miller, as well as other organizations like McDonald’s, the California Department of Health Services, Safeway Markets, and even the San Francisco Mayor, George Moscone. The supporters ordered food and other necessities for the protestors (Jaeger & Bowman, 2005). These activists inspired other disability rights protests focusing on education, funding for services, access to buildings, access to transportation, social attitudes and awareness, and laws and policies.

Americans with Disabilities Act (ADA).

In 1990, the United States Congress passed the American with Disabilities Act (ADA). Though many in Congress lobbied against the passage of the bill, it was easily passed. The passage of this law built the most widespread set of legal rights for all persons with disabilities in the world (Jaeger & Bowman, 2005). The strength behind the bill’s contents was due to the massive amount of support from various activist groups. When President George H. W. Bush signed the bill into law, he stated, “Let the shameful wall of exclusion finally come tumbling down” (Remarks of President George Bush at the signing of the Americans with Disabilities Act,

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1990). The contents of ADA prohibit discrimination and requires equal opportunities for those with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation (Jaeger & Bowman, 2005). The passage of the Americans with Disabilities Act influenced the development of another bill to provide legal rights of access to those with disabilities. The Telecommunications Act of 1996 required that the makers and providers of new telecommunication equipment and services to create accommodations for those with disabilities guaranteeing the ability to utilize the new products (Jaeger & Bowman, 2005). The Telecommunications Act was paired with Section 508 of the Rehabilitation Act that was implemented in 2001. This section lays out that citizen with disabilities are required to have equal access to and use of information and communications technology used by the government (Jaeger & Bowman, 2005). These technologies are clarified as software applications, operating systems, Web-based information and applications, telecommunications products, video and multimedia products, self-contained or closed products, desktop computers, and portable computers of the government and organizations that accepted federal funding (Jaeger & Bowman, 2005). The intention of these laws was to increase visibility of disabled individuals, the lack of enforcement pertaining to these laws led to areas in the workforce to see to no change.

The Supreme Court Speaks on Disability Rights.

The U.S. Supreme Court had been considered an enemy of the disability rights movement by many due to past decisions slowing down or even stopping efforts being made to increase the amount of rights for these individuals (Jaeger & Bowman, 2005). The main viewpoint that had been displayed over the years by them is that the Supreme Court “does not believe that persons with disabilities merit the same legal protections as other minority groups” (Jaeger & Bowman,

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2005, p. 43). In 1982, they limited rights granted under the Individuals with Disabilities Education Act, by stating that a student with a disability did not require the most effective form of assistance possible (Jaeger & Bowman, 2005). The justices instead claimed that schools are only obligated to provide some assistance to make the environment more favorable of learning. In 1985, three years following this ruling, the Supreme Court looked into the case of *City of Cleburne v. City of Cleburne Living Center, Inc* (Jaeger & Bowman, 2005). The issue being addressed was whether or not persons with disabilities could pursue universal legal protection as a group. Once again, they stated that disabilities do not warrant the same protections as gender, race, national origin, etc. (Jaeger & Bowman, 2005). In 1999, the Supreme Court issued the next limitation on disabled individuals' rights with three cases on the same day, *Albertsons, Inc. v. Kirkingburg*, *Murphy v. United States Parcel Service*, and *Sutton v. United Airlines, Inc.* These decisions created a new standard for what qualifies for legal protections under disability rights (Jaeger & Bowman, 2005). Under this new standard, an individual must be "limited in a major life activity after the maximum corrections and mitigating measures are taken" (Jaeger & Bowman, 2005, p. 43-44). In laymen terms, this meant that if an individual had a profound loss of hearing, and it could be corrected by surgery or a hearing device, they would not be protected under ADA.

The courts in the early 2000s continued to limit the power that was granted to individuals with disabilities by ADA. In 2001, the Supreme Court heard, *Board of Trustees of the University of Alabama v. Garrett*. The decision made by the justices prevented state governments from being monetarily liable when they discriminate against those with disabilities, but the Supreme Court still required them to be follow the requirements of ADA (Jaeger & Bowman, 2005). Without having to pay monetary damages for discriminating against an individual with

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disabilities, the state governments have no punishment associated with breaking the law. In a 2002 Supreme Court Case, *Toyota v. Williams*, the court limited the coverage of ADA to those “who met the strictest meaning of its definition of disability” (Jaeger & Bowman, 2005, p. 44). The justices felt that ADA has to be interpreted strictly to create a standard for what is qualified as a disability. In 2004, the Supreme Court case *Tennessee v. Lane* countered the trend of limiting the scope of Americans with Disabilities Act and confirmed that all people have equal access to the court system in the United States. Some states have tried to combat the rulings by the Supreme Court with state specific legislation, and other states have changed their own disability rights laws to reflect what has been said in the courts (Jaeger & Bowman, 2005).

LGBTQ+ Rights Movement

The First Steps

The beginning of the gay rights movement was started by Henry Gerber, who founded the Society for Human Rights in 1924 (Smith, 2003). The events following the creation of this organization and others that fought for LGBTQ+ rights are displayed on Figure 3. A few months after the creation of the group, Gerber’s wife found out the true intention of the organization and that her husband was gay, so she reported him and all the members to the police. The organization disbanded and no one was known to reorganize until the 1950s. Henry Hay created the first major gay rights association: the Mattachine Foundation. Hay’s plan was to change the negative attitudes and perceptions of society towards the gay community, by promoting public awareness and strengthening gay culture (Smith, 2003). Two years in the creation of the group, they were hit with accusations of being a front for Soviet espionage. Luckily the assembly was exonerated of the charge, but it led to major changes. The Mattachine Foundation’s name was changed to the Mattachine Society and it forced all members to take pledge to a patriotic loyalty

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Figure 3: LGBTQ+ Rights Timeline

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oath. Some newer members believed removing the words homosexual from the statement of purpose would be beneficial to keep the public at ease after the allegations (Smith, 2003). These changes to the organization drove the founders of the original Mattachine Foundation away and led to the creation of another group called ONE. ONE believed in promoting more radical change that would secure the most basic rights for both gays and lesbians. A third organization emerged from this time period as well. The founders, Del Martin and Phyllis Lyon, founded the Daughters of Bilitis in 1955 (Smith, 2003). This was the first lesbian organization in the United States. The goals of the Daughters of Bilitis was to offer lesbians a safe area for social discussion as well as a way to work with other pro-homosexual organizations to procure the rights that the ONE organization wanted to achieve. After the formation of these associations, the state of Illinois did the unexpected and became the first state to decriminalize homosexuality by removing their sodomy laws in 1962 (Smith, 2003). The movement continued to grow through the 1960s and 1970s, adapting to the changes caused by racial equality and women's liberation.

Sparks of a Movement: The Stonewall Inn

The Stonewall Inn was a dive bar and disco in New York City where the regular customers consisted of drag queens and prostitutes. In the summer of 1969, the police raided the establishment for allegedly operating without a liquor license (Smith, 2003). The gay community did not believe their allegations were legitimate and took the attack as a form of harassment. They rose up against the police attack on the Stonewall Inn, deciding they would no longer be pushed around by society for their sexuality. The patrons hurled change from their pockets, Molotov cocktails from the bar, and anything else they could grab at the police. The Stonewall Inn Riot that occurred on June 28th, 1969 was a spark that sent the revolution for LGBTQ+ rights into motion. The people that started this movement were not cultured, well educated, or refined.

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They were what society deemed street people, who were looked down upon as lazy and dirty (Smith, 2003).

From this event, attention fell onto the LGBTQ+ rights movement, which inspired the creation of groups like the Gay Activists Alliance (GAA) and the Gay Liberation Front (Smith, 2003). These organizations were created with different goals. The Gay Liberation Front wished for homosexuals to assimilate into the current culture, while the GAA wanted to have their own culture and have it respected alongside those of heterosexuals. The Gay Activist Alliance had more confrontational and radical ways of grasping the public's attention, hoping that using the extremes would force their way into the public eye, garnering support (Smith, 2003).

The National Gay and Lesbian Task Force (NGLTF) in 1973 accomplished their first win when the American Psychiatric Association ended the status of homosexuality as a mental disease. The NGLTF lobbied for the removal of the labeling of an illness in the Diagnostic and Statistical Manual for Mental Disorders and the first piece of legislation granting gay rights. This law allowed for gay and lesbians to serve in the government employment, including running for office (Smith, 2003). The perfect example of the importance of this law was shown through the election of Harvey Milk in 1977. He won a seat on the San Francisco Board of Supervisors. He proved to the country that placing gays and lesbians in office, as well as lobbying, could provide great change (Smith, 2003).

AIDS Strikes the Movement

In 1981, AIDS (autoimmune deficiency syndrome) gained public attention in the United States. The gay community was targeted in the media and blamed for the spread of the disease, though many others were also contracting it (Smith, 2003). From medical journals and public newspapers, all of them referred to AIDS as gay compromise syndrome or GRID (gay-related

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immune deficiency) (Smith, 2003). The way the media outlets were reporting on the AIDS epidemic was inaccurate until the illness was found in blood transfusion recipients and hemophiliacs. When the epidemic gained public attention, the gay community jumped to action by creating Gay Men's Health Crisis (GMHC) (Smith, 2003). The goal of this group was to raise money for treatments and a cure as well as educating and promoting safe sex practices in all communities to stop the spread of the illness. However, during this time one of the founding members of GMHC, Larry Kramer separated himself from the organization to create his own. He started ACT UP -- the AIDS Coalition to Unleash Power (Smith, 2003). This group adapted similarly to the way the GAA did, after the Stonewall Inn Riot, by using radical efforts to influence development and release of more effective AIDS treatment. In this era of misinformation from the media, another organization was created to combat the inaccurate information. The Gay and Lesbian Alliance Against Defamation (GLADD) was founded in 1985 and created for the sole purpose to protest the misrepresented coverage of the AIDS epidemic (Smith, 2003). GLAAD was an impactful asset in the 1980s during the AIDS epidemic, and today has grown into a powerful asset to the gay community; GLADD is responsible for educating national outlets and Hollywood on accurately portraying gay and lesbian in media.

A Glimmer of Hope

In 1998, two young men were brutally murdered due their physical appearance and sexual orientation. James Byrd Jr. was chained to the back of a pickup truck and dragged to his death due to the color of his skin. Matthew Shepard was beaten, tied to a buck rail fence, and left to die because of his sexual orientation. Over twenty years after their deaths, President Barrack Obama proposed the Matthew Sheppard and James Byrd Jr., Hate Crimes Prevention Act of 2009 (Department of Justice Civil Rights Division, 2018). This law was to not only honor those

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two men who were viciously killed, but to prevent and properly punish those who wish to commit similar acts. The law states that a hate crime is defined as willingly attempting to cause bodily injury or attempt to with fire, firearms, or other dangerous weapons when:

“(1) the crime was committed because of the actual or perceived race, color, religion, national origin of any person or (2) the crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction” (The United States Department of Justice, 2018).

This was a huge win for not only the LGBTQ+ community and people of color, but also for the disability rights activists.

Legal Changes

After the AIDS epidemic, the LGBTQ+ rights movement regained momentum and was complimented with the passage of new legal changes. The passage of President Bill Clinton’s Don’t Ask, Don’t Tell military policy was a conflicting step in the movement. Though this allowed LGBTQ+ individuals to serve in the military and banned harassment of closeted individuals in the service, it prohibited openly gay and lesbian person from serving in the United States. In 1996, President Bill Clinton also signed the Defense of Marriage Act (DOMA) (PBS, n.d.). This law federally banned marriage that did not consist of a man and woman. This also created a federal definition of marriage claiming it was only legal when it consisted of one man and one woman, who are referred to as husband and wife. Within the same year, a judge in Hawaii ruled that states do not have the right to deprive same sex couples the right to marry (Smith, 2003). This was considered the first state to recognize homosexual couples to have the

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same legal rights as heterosexual ones. In 1998, they later rewrote the Hawaiian constitution to match the legal definition of marriage created by DOMA, basically overriding the previous decision.

In 2000, Vermont passes the Civil Union Law, providing same-sex couples the same rights as heterosexual couples through the term of civil unions (Smith, 2003). These rights include health insurance coverage, hospital visitations, emergency care decisions, estate inheritance, and social security survivor benefits. In Massachusetts, the first legal same-sex marriage took place in 2004. Almost three years later in 2007, the Human Rights Campaign hosted and sponsored a presidential forum on LGBTQ+ issues. All six democratic candidates participate while all the republican candidates declined the offer (PBS, n.d.). In 2008, the state of California voted to approve Proposition 8, making same-sex marriage illegal. The passing of this act garnered national attention from supporters of same-sex marriage all over the country. The passage of the law inspired the NOH8 campaign which uses celebrities to promote marriage equality. Two years after the passage of Proposition 8, a San Francisco-based judge challenged Proposition 8 constitutionality, claiming gays and lesbians have the right to marriage. Matthew Sheppard and James Byrd Jr., Hate Crimes Prevention Act of 2009, adding actual and perceived gender, sexual orientation, gender identity, race, or disability, to the 1969 Federal Hate Crime Law (PBS, n.d.).

Seventeen years after President Bill Clinton passed Don't Ask, Don't Tell policy, the U.S. Senate voted to repeal the policy. The following year, President Barack Obama's administration also no longer supported the Defense of Marriage Act which President Clinton also signed. In 2015, the Supreme Court case, *Obergefell v. Hodges*, legalized gay marriage in all 50 states (PBS, n.d.). The most recent development for the fight for LGBTQ+ Rights is through

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the lobbying for the Equality Act. The passage of the Equality Act would guarantee basic human rights for the LBGTQ+ community, like prohibiting discrimination based on gender identity and sexual orientation. This law has not been fully passed through Congress but has passed the House of Representatives as of May 17, 2019 (The Human Rights Campaign, 2020).

Mental Health Movement

History of Mental Health

Though physical and mental disabilities are often paired together, in this literature review they are separated due to the way modern policies and views of mental health have adapted into an independent movement. The events that capture the mental health movement are displayed in Figure 4. In the early 1900s, the mental health industry had many new developments on the horizon to provide care for those deemed mentally ill, but these advances that intended to treat the patients were replaced by the simple solution of lobotomies. The new developments included new treatment options such as music and photochromatic therapy (Kemp, 2007). The institutions remained the main area where treatment was given, but patients they deemed to be more self-sufficient were placed in home-like structures (Kemp, 2007). Unfortunately, during the Great Depression and World War II resources were cut short in psychiatric institutions while the population inside of them continued to grow. It was estimated that the number of individuals institutionalized was growing five times faster than the population outside the hospitals.

During this time period, new therapies rose in popularity. The therapies were insulin coma therapy, Metrazol-shock therapy, electroshock therapy, and lobotomy (Kemp, 2007). For these treatments the individuals would either be electronically shocked or issued high doses of insulin or Metrazol to induce comas that forced away depression and hallucinations. The facilities claim they helped some patients with these treatments, but most suffered from

TIMELINE OF Mental Health Movement

The **Mental Health Movement** is a global movement focused around understanding individuals with mental disorders and improving their treatments. Here's a brief history of the movement.

Early-1900s

The development of many new treatments, like **music and photo-chromatic therapy**, were replaced with the simple solutions of **lobotomies**.

1940s

New therapies like **insulin coma therapy**, **Metrazol-shock therapy**, and **electroshock therapy** rose in popularity along with lobotomies.

1944

A. Earl Walker, a former chief of neurology at the University of Maryland School of Medicine gather research on lobotomies, and concluded that they had a wide range of **successes and failures**, and often lead to the side effects of **bleeding, suicide, deterioration of IQ, sexual irregularities, and aggressive behaviors**.

1950s

Advancements in **medicine to treat symptoms** associated with mental illness lead to an increase in **deinstitutionalization**.

1963

President John F. Kennedy signed the **Mental Retardation Facilities and Community Mental Health Centers (CMHC) Construction Act of 1963**.

1970s

The population inside mental health institutions and psychiatric hospitals **dropped in half**.

1980

The number of people with mental health issues seeking treatment at **outpatient clinics compared to institutions** continued to grow. These facilities suffered from **low funding, lack of a psychiatric unit, and lack of proper equipment for treatments**.

The **Mental Health Parity Act** was passed, which allowed some health insurance coverage of mental illnesses.

1996

1998

President Bill Clinton granted **9 million federal workers and their families mental health coverage**.

Mental Health America, an organization founded to promote the spread of accurate information on mental health, published a survey finding the individuals **do not seek help for their anxiety disorders due to shame, fear, and embarrassment**.

2003

Mental Health America found in a study in which almost two-thirds of the American population had limited knowledge, if any, about **bipolar disorder**.

2010

The Affordable Care Act, proposed by President Barack Obama, included mental health as an essential health benefit.

2015

The Helping Families in Mental Health Crisis Act passed, which helped to prioritize hospitalization and court-ordered treatment, focusing on integrating mental health into primary care and addressing these needs across all stages of life

2018

Mental Health America produced an analysis of mental health in the workplace: **The Workplace Wellness Report: Mind the Workplace**.

2019

Mental Health America released an accreditation, **Bell Seal for Workplace Mental Health**, to recognize companies that value mental health.

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bone fractures, brain damage, and chemical poisoning (Kemp, 2007). While these treatments were being used, the main solution to mental health issues were lobotomies. Lobotomies were a procedure where a surgeon will sever the prefrontal lobe of the brain which has been known to alter personalities. In a twenty-four-year period, the United States alone performed over 50,000 lobotomies (Kemp, 2007). Research performed in 1944 by A. Earl Walker, a former chief of neurology at the University of Maryland School of Medicine, concluded that lobotomies had a wide range of successes and failures. He found that there was no formal diagnosis and evaluation before the procedure, and many of the side effects include bleeding, suicide, deterioration of IQ, sexual irregularities, and aggressive behaviors (Kemp, 2007). The start of deinstitutionalization in the 1950s was achieved through the advancements in medicine to treat and control symptoms of mental illness. This was not the removal of all psychiatric facilities, but it started slowly removing patients from the facilities and promoting the expansion of community services to aid those recovering (Kemp, 2007).

The election of President John F. Kennedy played an impactful role on the state of mental health, as he had a strong belief that the federal government should have a larger role in the mental health community. He proposed the legislation called the Mental Retardation Facilities and Community Mental Health Centers (CMHC) Construction Act of 1963 (Kemp, 2007). This law would support the new therapeutic techniques and drugs, claiming in combination with community care, the need for institutions would become a thing of the past. This regulation also included funding for new services and support for already existing ones, as well as in-depth plans as to what will be included in the Community Mental Health Centers (CMHC). The CMHC would consist of emergency psychiatric care, outpatient and inpatient services, and foster-home care (Kemp, 2007). The passage of this act led to the massive deinstitutionalization crusade. The

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population inside mental health institutions and psychiatric hospitals continued to decline, almost dropping in half by the 1970s. Though the community programs were making huge impacts on those with less severe diagnoses, the more extreme patients were unable to thrive in those conditions. In the 1980s, the number of people with mental health issues were seen more frequently in outpatient clinics compared to institutions (Kemp, 2007). Lack of funding in outpatient care was an issue with most hospitals, as they lacked a psychiatric unit, even though most patients who suffered with mental illness were going to those facilities for treatment (Kemp, 2007).

Legal changes were created with the 1996 law: The Mental Health Parity Act. The law was the first to bring some fairness to health insurance coverage of mental illness. Two years following the passage of the Mental Health Parity Act, President Clinton put an end to the discrimination in mental health coverage. This granted 9 million Americans and their families coverage for federal workers.

The Twenty-First Century Approach

Based on the U.S. Department of Health and Human Services mental disorder are defined as “health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof), which are associated with distress and/or impaired functioning and spawn a host of human problems that may include disability, pain, or death” (HealthyPeople.gov, n.d.). Mental illness definition is tied to mental disorders, as they are collectively referring to all diagnosable mental disorders. The term mental health is defined as “a state of successful performance of mental function, resulting in productive activities, fulfilling relationships with other people, and the ability to adapt to change and to cope with adversity” (HealthyPeople.gov, n.d.). In the early 2000s, Mental Health America issue surveys about mental

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health issues around the country. In 2003, they published in a study that almost two-thirds of the American population had limited knowledge, if any, about bipolar disorder (Mental Health America, n.d.). In 2010, when President Barrack Obama was trying to pass the Affordable Care Act, Mental Health America lobbied for mental health to be included as an essential health benefit.

Due to the increasing number of mental health diagnosis in the United States, Mental Health America launched a campaign called Before Stage 4. This program was to focus on prevention, early identification and intervention, as well as integrated treatments, with recovery as the main goal (Mental Health America, n.d.). The implementation of this program included a free, confidential, and anonymous online screening program for individuals to determine if they are experiencing any form of mental health conditions. The hope of the program was to treat this mental health issues the same way an individual would treat a physical ailment, to prevent a stage of crisis. The Helping Families in Mental Health Crisis Act was introduced to Congress (Mental Health America, n.d.). This bill was presented as a way to prioritize hospitalization and court-ordered treatment, focusing on integrating mental health into primary care and addressing these needs across all stages of life. These provisions were added into the 21st Century Cures Act. In 2018, the Mental Health America organization produced the first ever analysis of mental health in the workplace. The Workplace Wellness Report: Mind the Workplace, looked at over 17,000 employee surveys in 19 different industries (Mental Health America, n.d.). In 2019, MHA released an accreditation to recognizes employees who value mentally healthy company culture, referred to as the Bell Seal for Workplace Mental Health (Mental Health America, n.d.).

Medical Marijuana Movement

The Prohibition of Cannabis

Through the early decades of the twentieth century the perception of marijuana changed drastically starting as a medical treatment, to harmless recreational drug, to on par with the use of cocaine and heroin which is displayed on Figure 5. In the early parts of the 1900s, a large group of influential individuals, like politicians, law enforcement officials, and social reformers, became concerned with the effects of mind-altering drugs. They believe that these drugs were not only dangerous to the individuals, but also could damage society itself (Newton, 2017). These individuals were responsible for the passage of the Eighteenth Amendment, prohibiting the sale of alcohol, which at the time was considered a mind-altering drug. They also pushed for the adoption of the Harrison Narcotics Act of 1914 which put a tax on the production, manufacturing, compounding, importing, distributing, and selling of cocaine in the United States (Newton, 2017). The focus at the time did not seem to be on cannabis, but its more dangerous alternatives cocaine and opiates. It was not until 1932 that marijuana was associated with cocaine and opiates, adding to the list of restricted drugs on the amendment to Narcotics and Drug Import and Export Act (Newton, 2017). The first law to come to blatantly put restrictions on cannabis was the Marihuana Tax Act of 1937 (Newton, 2017). Though the bill did not clearly outlaw the use or production of the drug, it created a complex system of taxes on the product.

The next step in the struggle to stop the use of marijuana in the United States was the Boggs Act of 1951, an amendment to the Harrison Narcotics Act of 1914. One of the main areas these new regulations affected was the penalties that could be incurred for possession; this law created a mandatory sentence of two years for possession of marijuana, cocaine or heroin, with a maximum sentence of five years and increases in jail time for each following offense

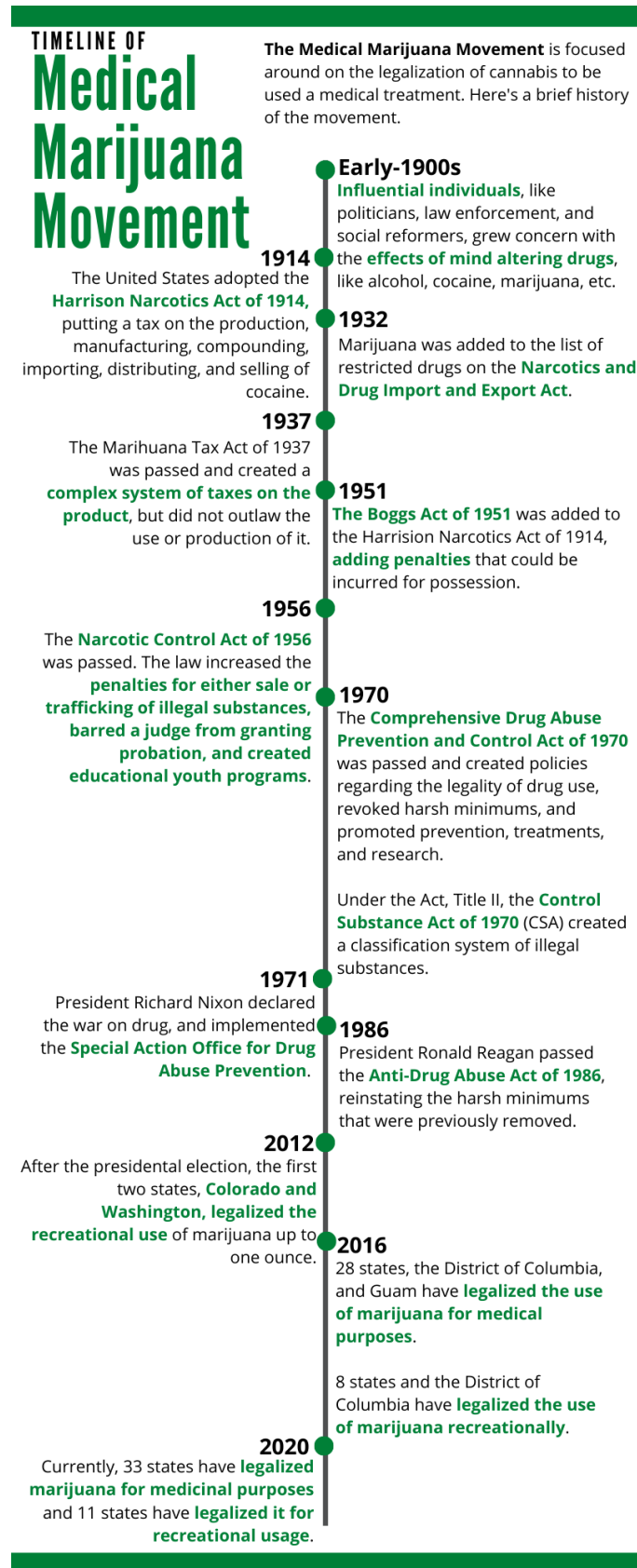


Figure 5: Medical Marijuana Movement

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(Newton, 2017). States then followed the federal government, creating their own similar bills or using the Boggs Act as a basis to create more severe punishments.

As the public began to split into groups, one calling for the decriminalization of narcotics and the other demanding more regulations on them, the federal government passed another law. The Narcotic Control Act of 1956 was proposed by Texas Senator, Price Daniel (Newton, 2017). Daniel laid out various issues he and the rest of his committee had found and called for more penalties for drug abuse and quarantine for those who could not beat the habit. These wishes were manifested into legislation signed by President Dwight D. Eisenhower. The law increased the penalties for either sale or trafficking of illegal substances to a minimum of five years, and for repeated offences, a mandatory maximum of ten years. The regulations also barred judges from suspending sentences or granting probation for convicted offenders. Another recommendation from Senator Daniel was to create an educational youth program to hopefully reduce drug use (Newton, 2017).

The prohibition of marijuana was not clearly banned, but it was entangled in the multiple laws and amendments previously mentioned. The system that prohibited marijuana usage crumbled when the United States Supreme Court came to the conclusion the 1937 Marijuana Tax Act was unconstitutional. As a result of this Supreme Court case the United States government proposed the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Newton, 2017). The most important aspect of this law is Title II called the Controlled Substance Act of 1970 (CSA), which provided policies regarding the legality of drug use. CSA revoked the harsh minimums that were imposed by the Boggs Act as they seemed to have little to no effect, and instead promoted prevention, treatment, and research programs. One of the major effects the Controlled Substance Act created was the classification of illegal substances (Newton, 2017).

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They are ranked based on potential for abuse, value as a medical treatment, and its safety when used under medical supervision. The most dangerous of illegal substances fall under schedule one; cocaine, opiates, and marijuana are all classified as schedule one (Newton, 2017).

The War on Drugs

During President Richard Nixon's term in the office he had declared that the federal government would be fighting a war against drugs. He felt the administration needed a better way to deal with the emerging issue, so he created the Special Action Office for Drug Abuse Prevention (Newton, 2017). During President Jimmy Carter's administration, his policies moved away from the war on drugs that President Nixon started. President Carter still believed that drug abuse was an issue in the United States, but he took a softer approach to solving the problem. President Carter called for a reduction of penalties and improved programs and treatments and stated to Congress that "penalties against possession of a drug could not be more damaging to an individual than the use of the drug itself" (Wooten, 1977). President Carter did not view the smoking of marijuana as a significant health problem as no one was dying from the use of the drug, while Nixon's administration was motivated to stop the use due to it being associated with those who are anti-war and anti-government. When President Ronald Reagan took office in 1981, the federal government returned to its onslaught on the use of illegal substances (Newton, 2017). President Reagan's sincerity in the war on drugs was manifested through the laws put through. The government was adamant on controlling the drug abuse in the country and showcased this dedication through the passage of the Anti-Drug Abuse Act of 1986 (Newton, 2017). These regulations reinstated the harsh minimums that were previously removed to prove, once again, that the government would be tough on drugs.

The Rights of States

Over the past two decades, states have decriminalized marijuana. Many of these states have taken the charge of possession of a small amount of cannabis and treating it in the same way a minor traffic offense would be (Newton, 2017). There is no prison time associated with it, no monetary fine, and it may not be recorded on personal record. The first state to decriminalize the usage of marijuana for medicinal purposes was California in 1996. As of 2016, 28 states, the District of Columbia, and Guam allow the use of marijuana for medical uses. One of the major issues with the legalization of the medical use of cannabis is that the federal government still considers it as a schedule one substance, making it illegal no matter if a state has legalized or decriminalized the drug (Newton, 2017). During President Barrack Obama's administration, they laid out in a memo that marijuana is an illegal substance and distribution of it is a serious crime, but the focus of the administrations is to handle marijuana-related cases surrounding unlawful possession, sales to minors, and inconsistent amounts of marijuana with the purpose to distribute (Newton, 2017). This memo was interpreted by the states that the federal government was not going to pursue legal action against states who have legalized the use of marijuana (medically or recreationally) but focus on more specified issues associated with the drug (Newton, 2017). After the election in 2012, the first two states, Colorado and Washington, legalized the recreational use of marijuana up to one ounce. The following election resulted in two more states, Alaska and Oregon, as well as the District of Columbia voting to legalize it for recreational use. In 2016 four more states followed suit: California, Maine, Massachusetts, and Nevada (Newton, 2017). As of 2020, 33 states have legalized the usage for medicinal purposes, and 11 have decriminalized it for recreational use.

Conclusion

This literature review elaborated on five prominent social movements that have shaped society, implemented new laws and social expectations, and changed human resource management in all workplaces. As a result of the laws and Supreme Court cases that have been created during these movements, human resource management has had to adapt and will continue to do so with further changes in society. This discussion will examine how HR department changed in accordance with the five social movements, the workplace changes created by these movements, and what the HR can expect in the future.

Discussion

Through the analysis of the literature review, four major themes have emerged in relation to human resources management (HRM): (1) social movements influence legislation which shapes human resource management, (2) policies are becoming more complex and detailed, (3) culture within an organization is essential, and (4) human resources will be continuously evolving for the future. The discussion section will further examine the trends that were displayed throughout the previous social movements and what can be expected in the future. Significance, limitations, and future research will also be discussed.

Social Movements influence Legislation, shaping HR

The first theme to be examined is the trend of social movements driving legislation, which in turn shapes human resource management. The relationship between the three aspects of social movements, legislation development, and human resource is displayed through this first theme. The government is often reactive in the creation of legislation, thus leaving HR to be reactive in the changes they create in the workplace. Though most organizations are reactive in their policy changes, those who are proactive in their changes have a competitive advantage in

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employee retention. The adjustment to these modifications is often associated with adapting or creating policies to ensure protection of their employees.

One of the major changes for the women in the workplace was Title VII of the Civil Rights Act. It originally did not include gender as a protected class in the law until a female congresswoman fought for it to be added (Hillstrom, 2019). This is was directly related to the increase in women joining the workforce and the increase activism around equality (Hillstrom, 2019). In a similar manner, changes to sexual harassment policies and culture in the organization was not put into the forefront of workplaces' attention until the public pressure forced changes to diminish the issues. The HR department took initiative to combat sexual harassment in the workplace through closely monitoring the interactions between co-workers, offering impartial ways to investigate these accusations, and assigning appropriate punishments to those found guilty.

Another example of the changes in lawmaking can be see through the changes in the disability rights movement. The policies pushed forth by President JFK were centered around the idea of deinstitutionalization, which would remove individuals with disabilities from mental hospitals and focus on a more community based approached to treatment. Without the external pressure from the movement and his own personal participation in the movement, these bills would have struggled to pass through Congress (Jaeger & Bowman, 2005). The passage of Americans with Disabilities (ADA) was another impactful law that was driven by the social pressure and evolving way society viewed people with disabilities. The displays of activism, through peaceful protests, educated the general public about the struggles people with disabilities suffer on a daily basis and moved the government to implement changes (Jaeger & Bowman, 2005). HR has been shaped to protect disabled employees' rights by the guidelines produced

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through American with Disabilities Act. The guidelines are typically related to reasonable accommodation to employees, edits to the interviewing procedure, and adapting job descriptions to only include the essential function of the jobs. The pressure from the disability rights movement and the laws passed by the government have created guidelines for human resources to follow.

The mental health movement has followed a similar trajectory as the disability rights movement, as they stemmed from the same groups of individuals. As society began to further their understanding on mental illness, the more lawmaking adapted, and the more HR had to adjust to the changes. The Helping Families in Mental Health Crisis Act was a result of the United States wishing to integrate mental health into primary care and addressing these needs across all stages of life (Mental Health America, n.d.). The mental health movement has been slower to penetrate the HR department, but small changes like having mental health as an essential benefit in coverage is some of the improvements. Another common benefit employers are offering are Employee Assistance Programs (EAP). EAP are work-based intervention programs that are designed to offer assistance in resolving personal problems that may be negatively affecting work performance (SHRM, n.d.). These programs cover issues like depression, anxiety, substance addiction and abuse to help employees recover and become a well-rounded worker.

Following similar forms of protest as other impactful human rights movements, the LGBTQ+ Rights movement found success after publicly protesting the injustices received by the public through misinformation spread during the AIDS crisis and general discrimination based on their sexuality (Smith, 2003). Legislation for the LGBTQ+ Rights movement has moved slowly. After years of fighting for human rights, the most recent change in law was the

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Obergefell v. Hodges Supreme Court Case of 2015, confirming the legalization of same sex marriages (PBS, n.d.). Benefits in the workplace must be adapting to accommodate the LGBTQ+ community to adjust to legal changes; these changes are often associated with offering health insurance to same-sex couples. Organization that have already offered these benefits before same-sex marriage was legal and to co-habituating partners, have a competitive advantage. The Equality Act, which is currently going through the process of becoming a law, is an amendment to the Civil Rights act to add sexual orientation and gender identity as protected classes. Adding these protected classes to policies now, would offer another competitive advantage in comparison to others. HR professionals that are aware of these changes driven by social movements are able to proactively respond.

Medical Marijuana has followed the pattern these other movements have gone through, but on a smaller scale. Medical marijuana is a more complex issue due to the legality surrounding the movement. Due to the fact that marijuana (in all uses) is still federally illegal, the legislation has made revision on state levels (Newton, 2017). Though the changes on state levels have been made, medical marijuana is a conflict in the workplace. The HR departments need to weigh out the benefit and harm associated with the approval of medical marijuana use for their employees. If the organization is to proactively allow the usage of the drug, they can suffer legal ramifications or sustain competitive advantages. All of the changes that have occurred through these social movements have impacted the way the human resource management handles these issues. The human resource department is constantly evolving, using the legislation created from social movements as a basis for change in the workplace.

Complex and Detailed Policies

The second theme that became evident through the research was the fact that policies and procedures have grown more complex and detailed due to the requirements by federal government and the increased public pressure on organizations to combat issues in society. The social movements are responsible for the requirements mandated by the laws and the growing attention placed on societal issues. For example, the addition of the Americans with Disabilities Act (ADA) in the workplace most organization were obligated to add new procedures to their normal hiring process. Questions in the interviewing process and the job descriptions which laid out the functions of the job had to be edited to make sure the included accurate information that reflect the abilities required for the positions. ADA also required companies to add a policy clarifying reasonable accommodation, and how an employee can request them. The disability rights movement influenced the creation of this law, which directly affected the legislations. HR adapted to the changes to legislations and adding all of these additional policies to protect the rights of disabled workers and to create an accessible work environment.

Policy changes have been linked to the #MeToo movement as well. With the growing attention on sexual harassment in the workplace and the number of accusation amassing, HR departments have to be vigilant in implementing the proper policies to prevent sexual harassment. The creation of in-depth and thorough sexual harassment policy, with laid out disciplinary actions for violations, is the first step in preventing sexual harassment in the workplace. Trainings associated with these policies are growing more complex as well. Following the viral phenomenon of the #MeToo tweets and post, states have passed legal requirements for organizations to have required sexual harassment training. Maine was the first state in 2017 to mandate these trainings and as of 2020, six states have followed. The cities of

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New York City and the District of Columbia have also mandated trainings on sexual harassment and assault for tipped workers (Epay Systems, 2020). In the unfortunate circumstances when allegations are brought to the HR department, they must have the proper procedures for investigation and disciplinary action. Investigation procedures need to be detailed to avoid biases in the systems and should be tested to ensure reliability and validity. With the growing number of allegations of sexual harassment growing, human resources need to continue adapting policy to cover all new developments and producing more complex and thorough policies.

The medical marijuana movement policy changes have been typically associated with edits to the drug and alcohol policies and drug testing procedures. The main area of conflict surrounding the issue in HR is that using marijuana, though some states have legalized it, is still federally illegal. Some companies that are located in states that have legalized the use of medical marijuana have altered their drug policies to include exceptions for the use with a prescription, but not on company time. When developing these changes, human resource professions need to determine whether a job can accommodate the usage. They must also consider the safety of employees due to the Occupation Safety and Health Act (OSHA). For example, employees who operate heavy machinery or work in transportation should be prohibited from engaging in medical marijuana use. Similar changes have been made in regard to the drug testing procedures that if the applicant has tested positive from marijuana, they will not be removed from the applicant pool. On the other hand, organizations that wish to have an anti-drug policy must expressly address it. The policy must strictly prohibit the usage and outline the adverse action that will occur from the usage. (Glasser & Hoerner, 2016) As the medical marijuana movement continues, the legislation will adapt, and human resources must develop policies to accommodate to meet the fluctuating needs of society.

Culture is Essential

An important aspect of any business is the culture of the workplace, which human resources creates with the people they hire and the policies they implement. The third theme to be elaborated upon is that culture is essential. Culture is essential because to have resilient and productive workers, the culture must promote “respect, inclusion, trust and safety” (Nagele-Piazza, 2018). So when creating culture in an organization, the two areas it should be centered around is promoting civility between workers and creating an open and caring environment. If an organization promotes respect between their employees, it’s less likely for accusation of sexual harassment to occur (Wilkie, 2018). HR department is responsible for monitoring the environment, making sure comments and/or jokes centered around sexism, racism, homophobia, xenophobia, etc. are not tolerated. Making sure that these comments are not part of the organization’s culture are influential in changing the environment (Wilkie, 2018).

When developing the culture in an organization, the human resources team should be promoting openness with supervisors and subordinates in both directions. The goal of a culture is to have employees feel empowered and secure in seeking comfort and satisfaction in their place of work, rather than for their grievances (Nagele-Piazza, 2018). An organization that is open about mental health, and the needs for mental health days is more likely to retain their employees and have a more productive staff because mental health and productivity are directly related (Cadorette & Agnew, 2017). Changes to supervision style, open communication, and positive reinforcement and feedback are easy solutions to benefit employees who struggle with mental health (SHRM, n.d.). Implementation of a civil and open environment will decrease the amount of sexual harassment allegations and allow those with mental health issues to prosper.

HR Evolving in the Future

The final theme that was displayed throughout the research was that human resources will be continuously evolving to meet the demands of society. Based on the trends in other movements and how HR has adapted to them, it can be expected that it will continue to do so as time progresses. Based on the evidence presented in the literature review and discussion section about LGBTQ+ movement, it can be expected for human resources to adapt to changes before the federal government mandates. Compared to other movements, the adjustments have been reactive, but, in some instances, HR has been proactive in their policy changes for LGBTQ+ employees. Many organizations, before legally required, offered same-sex couples the benefits as heterosexual couples. A more recent change has been the addition of pronoun options on forms and documents. A federal change that is currently passed by the house is the Equality Act. This law would add sexual orientation and gender identity to the protected classes in the hiring process. Some states have already implemented this change before the federal government has required it.

A change that can be expected from the mental health movement is the organizations moving away from specified paid time off system (vacation days, sick days, personal days, etc.) to a more generalized paid time off system or inclusion of mental health days in the specified system. Companies moving to have generalized paid time off allow employees to have privacy in why they need to request work off. This will eventually lead to higher levels of productivity due to having more mentally healthy employees (Cadorette & Agnew, 2017).

Due to the medical marijuana movement, HR is expected to adapt their drug policies to accommodate individuals using it as a medical treatment, once it becomes federally legal. From the evolving mindset of society and growing amount of research surrounding marijuana in

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medical uses, human resources should be prepared to make changes. In comparison to other movements, the effects of being proactive in the medical marijuana movement could result in legal ramifications and federal fines. The relationship between this movement and the legislation has only resulted in changes in state laws. Due to the relationship between human resources, the legal system, and social movements, HR professionals need to be cognizant of the connection between the three aspects and be prepared to constantly adapt over time to meet the everchanging needs of society.

Limitations

Limitations exist in all research and need to be acknowledged. In this research, it is understood that not every social movement could have been examined in one paper. The movements were chosen due to current impact on human resources. Many other social movements have affected human resources, but to have more in-depth research on modern issues in HR, only five were examined in the literature review. Another limitation to this research is that other areas of the business were not discussed. The effects of these social movements possibly impacted more than just the human resources department. The scope of the research was to examine HR in the United States. The social movements examined could be affecting other countries' human resources in a similar or different ways.

Future Research

Researchers in the future who intended to look into a similar topic examined in this paper should consider investigating other social movements left out of this analysis. The relationship found between social movements, legislation, and HR, should be universal among all social movements in the United States. Another topic of research is examining the relationship between these three aspects of social movements, lawmaking, and human resources in other countries.

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The lawmaking process in other countries could be distinctly different from the United States. This would affect the relationship between social movements and human resources. As found through the analysis of five social movement, #MeToo, Disability Rights, LGBTQ+ Rights, Mental Health, and Medical Marijuana, the United States government and HR departments are reactive in nature to societal issues. An undeveloped area of study is the examination of whether or not other countries are reactive or proactive in nature. This analysis would indicate a cultural difference in the way various governments respond to issues brought forth by social movements.

Significance

It is of the utmost importance for government officials and human resource professionals to comprehend the relationship between human resources, social movements, and the legislation created from these movements. Government officials are in charge of putting forth regulations that benefit and protect the American people. Researching the issues that social movements deem significant will aid the process in law creation. The laws lobbied for by these movements often directly relate to the workplace in the United States. HR professionals are responsible to keep all employees' rights protected. Through further insight on the topics, HR departments will be able to be ahead of the curve by making improvements and adjustments to policy before government requires them. If they chose to implement changes when the government requires them, HR will be prepared for these changes and have necessary arrangements made for policy edits due to further understanding of social movements impact.

In Conclusion

The analysis of five social movements, #MeToo, Disability Rights, LGBTQ+ Rights, Mental Health, and Medical Marijuana, lead to further understanding on the relationship between HR and social movements. The relationship between these three aspects are displayed through:

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(1) Social movements driving change in legislation, and these changes directly impact the human resources department, (2) HR implementing complex and detailed policies and procedures which are intended to protect employees' rights, (3) the culture within the organization is essential to prevent and limit violations of these rules, and (4) HR will be constantly evolving in the future as an effect of the social changes. Human resource professionals and government officials comprehending the importance of the relationship between these three aspects will lead to a more educated government and workplace.

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