

8.2: Work Family Balance and Employer Best Practices

Commission Hears from Broad Range of Expert Panelists at Public Meeting

WASHINGTON - The U.S. Equal Employment Opportunity Commission (EEOC) today held a public meeting focusing on employer best practices to achieve work/family balance, and issued a guidance document on how agency-enforced laws apply to workers with caregiving responsibilities.

The new guidance is being issued by the EEOC as a proactive measure to address an emerging discrimination issue in the 21st-century workplace. The document, *Unlawful Disparate Treatment of Workers with Caregiving Responsibilities*, provides examples under which discrimination against a working parent or other caregiver may constitute unlawful disparate treatment under Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990 (ADA). The guidance notes that changing workplace demographics, including women's increased participation in the labor force, have created the potential for greater discrimination against working parents and others with caregiving responsibilities, such as eldercare, all of which may vary by gender, race, or ethnicity.

"With this new guidance, the Commission is clarifying how the federal EEO laws apply to employees who struggle to balance work and family," said agency Vice Chair Leslie E. Silverman. "Fortunately, many employers have recognized employees' need to balance work and family, and have responded in very positive and creative ways."

The guidance, available online at www.eeoc.gov/policy/docs/caregiving.html along with a [question and answer fact sheet](#), states: This document is not intended to create a new protected category but rather to illustrate circumstances in which stereotyping or other forms of disparate treatment may violate Title VII or the prohibition under the ADA against discrimination based on a worker's association with an individual with a disability.

A wide range of circumstances are highlighted in the guidance, including: sex-based stereotyping and subjective decision making regarding working mothers; assumptions about pregnant workers; discrimination against working fathers and women of color; stereotyping based on association with an individual with a disability; and hostile work environments affecting caregivers. The guidance is intended to assist employers, employees, and EEOC staff alike.

Commissioner Stuart J. Ishimaru said, "This guidance recognizes the connection between parenthood, especially motherhood, and employment discrimination. An employer may violate Title VII when it takes actions or limits opportunities for employees because of beliefs that the employer has about mothers and caretakers that are linked to sex."

In addition to issuance of the guidance, the Commission heard from a wide range of expert panelists at the meeting who discussed best practices by employers to balance family-friendly workplaces with legitimate business needs.

Vice Chair Silverman said she was glad to learn more about the positive steps that many employers are taking to address work/life balance issues. "I'm very happy that we can showcase the many ways in which progressive employers go above and beyond the requirements of the law and make it possible for employees to successfully balance the demands of the workplace with their family responsibilities."

Donna Klein, president and founder of Corporate Voices for Working Families, discussed a series of reports issued by her organization on job flexibility for lower-wage workers and highlighted several Fortune 500 companies that have implemented best practices in this area.

"As companies realize the financial benefits of focusing on the needs of lower-wage workers, more and more companies are making the effort and reaping the long-term reward of work/life policies and programs", Klein said. The benefits to employers, she said, include boosting productivity, reducing staff turnover, increasing employee commitment to the organization, and reducing absenteeism due to child care and other issues.

Dr. Anika Warren, research director of Catalyst, Inc., spoke of the unique challenges faced by women of color in achieving a work/family balance. She highlighted her organization's research, workforce statistics, and literature in making the business case for work/life programs focusing on women of color including African Americans, Hispanics, Asian/Pacific Islanders, and Native Americans/Alaskan Natives.

Pointing out that women of color are the fastest-growing segment of the workforce, Warren said employers should consider that tapping into diverse talent, such as women of color, through effective and inclusive organization policies and practices is a

competitive advantage that attracts, retains, and advances employees while also facilitating the business success of the organization.

Horacio D. Rozanski, vice president and chief personnel officer of global consulting firm Booz Allen Hamilton, said "by necessity or choice, many women often take off-ramps and side routes from the traditional career path and have a hard time maintaining continuous, cumulative lockstep employment, which is a necessary condition for success within the confines of the linear white male competitive model."

Rozanski, a member of the Hidden Brain Drain Task Force, which is comprised of 35 international corporations representing more than 2.5 million employees in 152 countries, said: "The current model of work is at a turning point. With jobs and careers becoming more extreme by the minute, rethinking the old model has huge potential to burnish companies' competitive edge and restore hope and greater productivity to women's lives."

A complete list of panelists, along with their bios and prepared testimony, is available on the EEOC's website at www.eeoc.gov/abouteeoc/meetings/5-23-07/index.html.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the agency is available online at www.eeoc.gov.

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