

HAPPY MOTHER'S DAY: YOU'RE FIRED!

By Dina Bakst & Gary Phelan

Connecticut Post May 9, 2010- Opposite Editorial Page

A female executive with stellar performance reviews is taken off the management track, gets her first poor review and is eventually fired soon after her employer finds out she is pregnant. A woman is fired after being told her job is “not for a mother” and women with young children should be at home, not in the office.

Shocked? You shouldn't be. According to the Center for WorkLife Law, Berkeley, Calif., lawsuits claiming discrimination based on “family responsibilities” have increased almost 400% over the last decade. These cases are brought by workers who have been fired, demoted, not promoted or otherwise unfairly penalized because of their care-giving responsibilities for children, elderly, parents or ill relatives. While all workers are affected, mothers are hardest hit.

Professor Shelley Correll's groundbreaking research on the “motherhood penalty” found that women who are mothers tend to be seen as less desirable for hiring, less likely to be recommended for management and offered an average of \$11,000 less in salary for the same position as similarly qualified non-mothers.

Discrimination that prevents mothers from staying at their jobs or advancing at work is a significant threat to family economic security. The sharp increase in male unemployment has increased the number of families that are dependent on mom's paycheck. Women are 50% of workers on U.S. payrolls and nearly two-thirds are breadwinners for their families.

When a pregnant woman is fired, she risks losing her health care, her house and ability to feed her family. When a new mother back from maternity leave is passed over for promotion because her boss thinks she can't handle the job, her lower base income leads to lower lifetime earnings.

Although a woman's paycheck is more important than ever before, our nation's laws and policies continue to make it difficult for women—and an increasing number of men—to balance the conflicting demands of work and family.

- According to Dr. Jody Heymann, among the 15 most competitive economies in the world, the U.S. is the only one that does not require even a single *paid* sick day.
- The U.S. is alone in the industrialized world – and only one of four countries in the world – that does not guarantee paid family leave when a child is born.
- In the U.S., part-time workers (disproportionately females), are routinely excluded from labor and employment laws, paid less per hour and denied access to key employment benefits and advancement opportunities.

- Although existing laws provide some protections for workers with family responsibilities, substantial gaps in our federal, state and local antidiscrimination laws allow discrimination against pregnant women and other caregivers to continue.

Outdated laws and workplace practices are seriously harming American workers. Low-wage workers, especially single mothers, are particularly at risk of losing income, and even their jobs, in their efforts to fulfill their family responsibilities. This frequently means the difference between just scraping by and tumbling into poverty.

In addition, most working parents, especially low-income workers, lack the resources to hire a lawyer to understand their workplace rights. These laws are complex—many employers don't even fully comprehend these laws and are out of compliance.

It's time to stop asking American workers to make impossible choices between their jobs and their families. It's time to actually change the way America works. Families deserve protection and support. This is not just a woman's issue—it's an issue for all American workers and their families. When we stand together for strong work-family policies, we all stand to gain.

###

Atty. Dina Bakst is Co-Founder and Co-President of A Better Balance, A New York-based legal advocacy organization fighting to create family-friendly law and policy. Atty. Gary Phelan, of Outten & Golden, LLP, a Stamford and New York law firm, handles employment discrimination and wrongful termination cases. Both are parents.