Sloan Network Updates and Announcements

• Joan Williams discusses the issue of caregiver bias in the workplace.
• Graph displaying number of caregiver discrimination cases from 1970 to 2005.
• Families and Work Institute shares information about When Work Works project.

New from the Network

Sloan Network Updates and Announcements

▶ We need your feedback! Click here to begin the Sloan Network's brief online evaluation. Your feedback is important as we continue to develop our project.

▶ We are pleased to announce the addition of THREE new encyclopedia entries in our Work Family Encyclopedia. These entries are: "A Critical Analysis of the Glass Ceiling Phenomenon" by Prudence LaBeach Pollard; "Workaholism" by Gayle Porter; and "Family Diversity" by Teresa Rothausen-Vange.

▶ With the rapid increase of junk mail and spam, we want to make sure that you are able to receive communications from The Sloan Network. Please add network@listserv.bc.edu to your computer address book. By adding the Sloan Work and Family Network email address, your email server will recognize the address and deliver the emails that may otherwise get blocked by filters.

Conversations with the Experts

Caregiver Bias: Work/Life Issues as Diversity Concerns

Bio: Professor Joan Williams, one of the most prolific law professors in the country, has written nearly fifty articles and four books: Unbending gender: Why family and work conflict and what to do about it (Oxford, 2000), Solving the part-time puzzle: The law firm's guide to balanced hours (with Cynthia Calvert), Rethinking commodification: Cases and reading in law and culture (with Martha Ertman, forthcoming NYU Press 2005), Property: Landownership and use (with Curtis Berger). She has contributed essays to a number of collections, including Debating democracy's discontent (Anita Allen & Milton Regan eds. 1998); In The face of the facts: Moral inquiry in American scholarship (Richard Fox & Robert Westbrook eds. 1998); Property: The fourth way (Gregory Alexander & Grazyna Skapska eds. 1993); Pragmatism in law & society (Michael Brint and Bill Weaver eds. 1992); Virtue: NOMOS XXXIV (John Chapman & William Galston eds. 1992); A companion to American thought (Richard Fox & James Kloppenberg eds. 1995).

Professor Williams' work in Latin America includes lectures and workshops in Spanish Ecuador, Guatemala, Peru, and Chile, as well as articles published in Spanish, which include Igualdad sin discriminación in Genero y derecho (the first...
An Interview with Joan Williams, American University Washington College of Law

Pitt-Catsouphes: How do you define “caregiver bias”? Is it experienced by both women and men?

Williams: Caregiver bias consists of stereotyping and bias that may be experienced by employees, men as well as women, when the fact that they have family caregiving responsibilities becomes known at work. Motherhood is a key trigger for stereotyping against women. One study showed that business women are rated as highly competent, alongside business men. In contrast, housewives are rated as having levels of competence similar to (to use the stigmatized terms tested by the researchers) the elderly, blind, “retarded,” and disabled. This helps explain the experience of a Boston lawyer returning from maternity leave who found she was being given the work of a paralegal, and protested “I had a baby, not a lobotomy.” What happened? She fell from businesswoman to housewife.

Gender stereotypes affect men when they seek an active role in family caregiving, because caregiving is perceived to be typical for women but inappropriate for men. Caregiver bias applies to men when they are denied benefits that are routinely granted to female employees. An example is the case of a Maryland state trooper who was denied parental leave on the grounds that he was not eligible unless his wife was “in a coma or dead.” There could not be a clearer statement that caregiving is the “women’s work,” and is inappropriate for men.

Pitt-Catsouphes: Could you discuss your concept of maternal wall bias?

Williams: Maternal wall bias reflects patterns of gender bias and stereotypes that women may encounter (1) during pregnancy, (2) before, during, or after a maternity leave, or (3) when they want to use a family-friendly policy such as requesting to work part-time or a flexible schedule.

Pitt-Catsouphes: What is the relationship between caregiver bias and the stigma that has been widely documented in relation to flexible work arrangements?

Williams: For nearly a decade, sociologists have documented that the use of family-friendly policies often triggers severe stigma. Recent developments in social psychology suggest that the stigma documented by sociologists track documented patterns of gender stereotyping. This is important because the stigma associated with family friendly policies is a key reason for the low usage rates of those policies.

Given the convergence of the findings in sociology and social psychology, employers need to see their work/life initiatives not simply an optional benefits program to be rolled out when times are flush and cut back when flush times end; effective management of work/life issues is increasingly becoming a risk management issue. It also is a crucial part of any diversity initiative, given that more than 80% of women become mothers, and that many mothers experience caregiver bias.

Pitt-Catsouphes: How is caregiver bias evident in case law?

Williams: We track cases involving caregiver bias. We have found nearly 200 cases in which plaintiffs have gained legal relief for caregiver bias. Plaintiffs are succeeding at an increasing rate, with the number of favorable court decisions since 2000 already exceeding the number in all of the 1990s. It is important to note that our research is ongoing, and these results are preliminary.

These favorable decisions include verdicts and settlements high enough to give employers pause. One verdict was over $11 million and many others are for hundreds of thousands of dollars.
Most jurisdictions have not enacted specific laws against caregiver bias. The District of Columbia is a notable exception: It has a law that prohibits discrimination against adults with caregiver responsibilities. In other jurisdictions, plaintiffs have successfully used more than a dozen legal theories, such as disparate treatment, disparate impact, hostile work environment, The Americans With Disabilities Act, and FMLA.

Here are some examples of legal cases involving caregiver bias.

- In Walsh vs. National Computer Systems Inc., a top computer salesperson with outstanding performance reviews encountered marked hostility from her supervisor when she returned from maternity leave. Her supervisor scrutinized her work hours (but not other employees' work hours); she refused to allow the employee to leave work to pick up her sick child at daycare; and, when the employee's child was sick, her supervisor allegedly threw a phone book at her and demanded that she find a pediatrician who had appointments after business hours.

- In Bailey vs. Scott-Gallagher Inc., an employee called her employer to determine when she should return to work following her maternity leave. She was told that she was fired because she was no longer “dependable,” and that her “place was at home with her baby.”

- In Lovell vs. Bent Solutions LLC, a federal court ruled that the Equal Pay Act may be violated when a female part-time worker is paid less per hour than (predominantly male) full-time employees. This is a standard practice in some workplaces.

**Pitt-Catsouphes:** What is the relationship between caregiver bias and restructuring work?

**Williams:** As long as caregivers who continue to go against conventional “ideal-worker” patterns experience bias, restructuring work will remain an elusive goal. In addition, caregiver bias fuels the stigma associated with flexible work arrangements—and restructuring work will never catch on unless and until the stigma problem is addressed.

**Pitt-Catsouphes:** What would you suggest that employers do to address discriminatory decisions, policies, and practices?

**Williams:** In response to the emerging case law on caregiver bias, some management-side employment lawyers are now advising employers not only to avoid stereotyping, but also to offer flextime and telecommuting if economically feasible, and to pay part-timers the same wage rate as full-timers if their part-time (but not their full-time) jobs are filled largely or solely by women. The best defense against caregiver bias lawsuits is a family-responsive workplace.

To contact Joan Williams, please e-mail williams@wcl.american.edu.
Number of Caregiver Discrimination Cases, 1970-2005

The information presented in this graphic is from preliminary historical research of legal cases obtained at the Program on WorkLife Law. The Sloan Network would like to thank Mary Still at the Program on WorkLife Law for providing this graphic.

Additional Resources: Related to Caregiver Discrimination

Institute for Women’s Policy Research (IWPR): “The Institute for Women's Policy Research (IWPR) is a public policy research organization dedicated to informing and stimulating the debate on public policy issues of critical importance to women and their families. IWPR focuses on issues of poverty and welfare, employment and earnings, work and family issues, health and safety, and women's civic and political participation.”
- Visit the homepage at http://www.iwpr.org/

National Partnership for Women & Families: “The National Partnership for Women & Families is a nonprofit, nonpartisan organization that uses public education and advocacy to promote fairness in the workplace, quality health care, and policies that help women and men meet the dual demands of work and family… Working with business, government, unions, nonprofit organizations, and the media, the National Partnership is a voice for fairness, a source for solutions, and a force for change.”
- Visit the homepage at http://www.nationalpartnership.org/
- Click here to download a fact sheet about pregnancy discrimination.

Global Perspectives - Ontario Human Rights Commission: “Ontario's Human Rights Code, the first in Canada, was enacted in 1962. The Code protects people in Ontario against discrimination in employment, accommodation, goods, services and facilities, and membership in vocational associations and trade unions.”
- Click here to view the homepage http://www.ohrc.on.ca/english/code/index.shtml
- To view information about avoiding pregnancy discrimination in the workplace, click here.

Program on WorkLife Law: “The Program on WorkLife Law is a research and advocacy center that seeks to eliminate employment discrimination against caregivers such as parents and adult children of aging parents. WorkLife Law is based at American University, Washington College of Law and is directed by professor and author Joan C. Williams.”
United States Equal Employment Opportunity Commission: “EEOC has five commissioners and a General Counsel appointed by the President and confirmed by the Senate. Commissioners are appointed for five-year, staggered terms. The term of the General Counsel is four years. The President designates a Chair and a Vice Chair. The Chair is the chief executive officer of the Commission. The five-member Commission makes equal employment opportunity policy and approves most litigation. The General Counsel is responsible for conducting EEOC enforcement litigation under Title VII of the Civil Rights Act of 1964 (Title VII), the Equal Pay Act (EPA), the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA).”

- Visit the homepage at http://www.eeoc.gov/
- View pregnancy discrimination information at http://www.eeoc.gov/types/pregnancy.html

The Sloan Foundation Corner

Work-Family Initiative
“**When Work Works** Initiative at Families and Work Institute

Editor's Note: The Sloan Work and Family Research Network would like to thank Erin Brownfield of Families and Work Institute for providing the following summary.

When Work Works is a nationwide initiative to highlight the importance of workforce effectiveness and flexibility as a strategy to enhance business' competitive advantage in the global economy and yield positive business results. When Work Works is a project of Families and Work Institute (FWI) sponsored by the Alfred P. Sloan Foundation in partnership with The Center for Workforce Preparation, an affiliate of the U.S. Chamber of Commerce.

The When Work Works initiative is grounded in the results of Families and Work Institute's National Study of the Changing Workforce and numerous other Sloan-funded studies that find that workplace flexibility that meets the needs of both employers and employees also benefits both. FWI studies also reveal that workplace flexibility is a missing ingredient in workplace effectiveness efforts.

Employees with flexibility are:
* More engaged in their jobs and committed to helping their company succeed;
* More likely to plan on staying with their employer;
* More satisfied with their jobs; and,
* In better mental health.

The project is currently presenting the Sloan Awards for Business Excellence in Workplace Flexibility to honor companies in eight communities across the country that have successfully used flexibility to meet both business and employee goals. These awards have been developed in collaboration with the Alliance for Work-Life Progress, Corporate Voices for Working Families, Boston College Center for Work & Family, and The Conference Board's Work-Life Leadership Council.

Phase II of this grant will extend the number of communities to 16 in 2006 and 24 in 2007. The initiative will also release several national research reports and case studies, including the National Study of Employers and other studies that emanate from the Sloan Centers on Working Families.

For more information about the When Work Works project, please go to www.whenworkworks.org
To visit the homepage of Families and Work Institute, click here http://www.familiesandwork.org/

Announcements

Call for Papers
American Psychological Association, Theme: “**Work, Stress, and Health 2006: Making a Difference in the Workplace**”
Proposal Deadline For Posters, Papers, and Symposia: May 1, 2005

Miami, Florida is the site of the American Psychological Association 2006 conference on March 2-4, 2006. For
further information about submission guidelines, please visit http://www.apa.org/pi/work/callforpapers.html

Association for Social Economics, Theme: “Understanding Living Standards”
Deadline for Submission: May 2, 2005

The annual meeting of the Association for Social Economics will be held January 5-8, 2006 in Boston, Massachusetts. For more details about submission, click here http://www.socialeconomics.org/callassa.htm

Conferences
Employee Services Management (ESM) Association’s 64th Annual Conference & Exhibit
Where: Rio All-Suite Hotel & Casino, Las Vegas, NV - When: May 1-4, 2005

Visit this website for more information http://www.esmassn.org/conference

2005 Work Life Conference
Co-presented by The Conference Board and Families and Work Institute
Where: New York City - When: May 2-4, 2005

Please direct questions concerning this conference either to Tyler Wigton, Conference Coordinator at 212-981-2562 or twigton@familiesandwork.org.

Global Perspectives - European Academy of Management 2005 Conference
Theme: “Responsible Management in an Uncertain World”
Where: TUM Business School, Munich, Germany - When: May 4-7, 2005

Visit this website for further details http://www.euram-online.org/associations/euram/index.asp

2005 Eastern Academy of Management Annual Conference
Theme: “Managing Ethically in Times of Change”
Where: Sheraton Hotel, Springfield, MA - When: May 11-14, 2005

Visit this website for further details http://www.eaom.org/AnnualMeetings/Springfield2005/

WorldatWork 50th Annual Conference & Exhibition
Where: New Orleans, LA - When: May 22-25, 2005

Click here for more conference information http://www.worldatwork.org/conference/generic/html/annual-conference.html

Global Perspectives - European Association of Labour Economists and Society for Labor Economists 2005 Conference
Where: Fairmont Hotel, San Francisco, CA - When: June 2-5, 2005

Click here http://www.eale.nl/ for more information as it becomes available

Global Perspectives - 4th Annual Hawaii International Conference on Social Sciences
Where: Waikiki Beach Marriott, Honolulu, Hawaii - When: June 13-16, 2005

Please visit this website for more details http://www.hicsocial.org/index.htm

Global Perspectives - 14th Annual Conference on Feminist Economics sponsored by the International Association for Feminist Economics

Visit this website for more conference details as they become available http://www.iaffe.org/iaffe/Default.asp

Global Perspectives - Eighth International Women’s Policy Research Conference
Theme: “When Women Gain, So Does The World”
Where: Omni Shoreham Hotel, Washington, D.C. - When: June 19-21, 2005

Click here for more information http://www.iwpr.org/Conference2005/index.htm
SHRM 57th Annual Conference & Exposition  
Where: San Diego, California - When: June 19-22, 2005  
For more details about this conference, please click here http://www.shrm.org/conferences/annual/

Global Perspectives - Gender, Work and Organization, 4th International Interdisciplinary Conference  
Where: Keele University, Staffordshire, in Central England - When: June 22-24, 2005  
Please visit this website for further details as they become available 

Global Perspectives - Australian Centre for Research in Employment and Work  
Theme: “Shifting the Boundaries of Employment and Work”  
Where: Melbourne, Australia - When: June 24-25, 2005  
Click here for more information http://www.monash.edu.au/cmo/acrew/index.html

Global Perspectives - The Fifth International Conference on Diversity in Organisations, Communities and Nations  
Where: Institute of Ethnic Administrators in Beijing, China - When: June 30-July 3, 2005  
Visit this website for further conference information http://www.Diversity-Conference.com

Global Perspectives - Founding Conference of the International Center of Work & Family  
Theme: “International Research on Work and Family. From Policy to Practice”  
Where: IESE Business School in Barcelona, Spain - When: July 7-9, 2005  

Global Perspectives - Australian Social Policy Conference  
Where: University of New South Wales - When: July 20-22, 2005  
Click here for more details http://www.sprc.unsw.edu.au/media/File/ASPC_Program05.pdf

2005 Take Back Your Time North American conference  
Where: Seattle University, Seattle, WA - When: August 4-7, 2005  
Visit this website for more conference information http://www.simpleliving.net/timeday/default.asp

Academy of Management Conference  
Theme: “A New Vision of Management in the 21st Century”  
Where: Honolulu, Hawaii - When: August 5-10, 2005  
Click here for more details http://meetings.aomonline.org/2005/ConferenceTheme.html

American Sociological Association  
Theme: “Comparative Perspectives, Competing Explanations: Accounting for the Rising and Declining Significance of Sociology”  
Where: Philadelphia - When: August 13-16, 2005  
For more information, please visit http://www.asanet.org/meetings/index.cfm

American Psychological Association  
Where: Washington, D.C. - When: August 18-21, 2005  
Click here for more conference details http://www.apa.org/convention05/

Global Perspectives - International Sociological Association  
Theme: “Social Stratification and Mobility”
Where: Los Angeles, CA – When: August 18-21, 2005

Click here for more details, [http://www.ccpr.ucla.edu:8080/CCPRWebsite/events/workshops-and-conferences](http://www.ccpr.ucla.edu:8080/CCPRWebsite/events/workshops-and-conferences)

**Global Perspectives** - Second Household, Income and Labour Dynamics in Australia (HILDA) Survey Research Conference  
Where: Melbourne - When: September 29-30, 2005  

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**Literature Updates**

Each month, we select up to 10 publications from those that have recently been entered into this database.

The Sloan Work and Family Research Network maintains an online database which contains the citations and annotations of work-family research publications.

A year ago, there were 5,990 citations in the Literature Database. As of April 2005, we now have over 6,398 citations.

- Click here for a direct link to the Sloan Literature Update articles in the Literature Database.
- To Bookmark a direct link to the Literature Database please click here.

- This month, 8 of the publications we have selected for the “Literature Updates” section of this issue of *The Network News* are publications relevant to the topic of caregiver bias.


This study investigates women's employment in Australia, in particular how the workplace culture separates the distinction between work and family. The results of this separation, and the importance of work over family, have lead to sexual discrimination in the labor force. Bourke suggests new directions for greater equity through family friendly and flexible work practices.


This article examines Australian legislation to prohibit workplace discrimination on the basis of family responsibilities. Examples of legislation include provisions made to the Convention No. 156: Workers with Family Responsibilities 1981 and the Sex Discrimination Act. The authors provide two court cases regarding working mothers’ attempts to gain access to flexible work arrangements through the use of territory and state legislation for indirect discrimination for family responsibilities.


This paper investigates the factors that influence British organizations' implementation of the “Time off for dependants” provisions in the Employment Relations Act 1999. The study contrasts how two organizations from the same Scottish financial group with similar formal provisions have applied the legislation. Qualitative reports from line managers and human resource managers reveal that policy implementation varies between the two organizations and is contingent upon line managers’ attitude and interpretation of time off for dependents. The findings illustrate tension between consistency of policy implementation and discretionary responses to individual situations. The author considers the practical implications this has for the effective implementation of the right in the UK. Annotated by Uracha Chatrakul Na Ayudhya, Manchester Metropolitan University.

The following list is a selection of some of our most recent additions to the Literature Database.


This article studies the ideal length of parental leave both for parents and children. The authors consider the costs to parents (wages, image of less organizational commitment, etc.), timing of leave (during pregnancy or after childbirth only), health and well-being of parent(s) and child, and although workplace support is not always present, the benefits of breastfeeding. The article also compares United States unpaid FMLA with Sweden’s paid leave policy of 480 days. The authors conclude that optimal leaves should begin before childbirth and continue for at least 6 months following childbirth.


Using data from the National Longitudinal Study of Youth 1979-1998, this article examines the employment trajectories of women as they become first-time mothers and when applicable, if employment patterns change when a second child is born. The findings suggest that six employment paths were used by the majority of mothers (of both one and two children) during early parenthood. The paths are Continuously Employed, Continuously Out (women who have been consistently not working), Hiatus at Birth (women who stop working close to the time of birth and return to the workforce by one year later), Exit at Birth (mothers that leave the workforce close to the time of birth and have not returned to the labor force at time of study), Declining Employment (mothers that worked up until the time of birth, declining employment rate after birth, two years later majority of women in this category are not employed), and Low Intermittent Employment (intermittently working). The authors also find that mothers’ age at birth of first child is related to employment patterns.


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**Upcoming Issues**

**Take Part in The Network News**

Upcoming issues of *The Network News* will focus on the following topics:

- Reduced-load work
- Leaves of absence
- Older workers

Is your work related to any of these topics? If so, please contact us.

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The Sloan Work and Family Research Network appreciates the extensive support we have received from the Alfred P. Sloan Foundation and the Boston College community.

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