

Case Examples of Parental Discrimination

Discrimination in Hiring

The appellant applied for a full-time teaching position, which also included coaching responsibilities. The district chose another female applicant, without children, for the position with less teaching and coaching experience. Consequently, the appellant sued the district, asserting a discrimination claim under the Minnesota Human Rights Act. Specifically, she claimed that the district had a hiring policy that treated women and men with young children differently. However, she did not prove that men similarly situated were treated differently (though such proof is generally required by gender discrimination law). The Minnesota Court of Appeals found that the appellant had a cause of action under the Minnesota Human Rights Act even though the act does not prohibit familial status discrimination. (*Pullar v. Independent School District No. 701*, 582 N.W.2d 273, 1998 Minn.) The President's proposal would clearly prohibit such discrimination, and would allow people in every state to claim such a protection.

Discrimination in Demotion/Termination

Appellant, a new mom, was demoted to a job with fewer responsibilities and half the salary, after she returned to work from maternity leave because the employer believed that new mothers could not take their work responsibility seriously. (*Piantanida v. Wyman Center*, 116 F.3d 340, (1997) Appealed from the Eastern District of Missouri) Though the court ruled she had no protection under the Pregnancy Discrimination Act (which is part of Title VII), she would be protected under our proposed statute. The court in that case stated that there was no relief for the plaintiff, because "[a]n employer's discrimination against an employee who has accepted this parental role -- reprehensible as this discrimination might be -- is therefore not based on the gender-specific biological functions of pregnancy and child-bearing, but rather is based on a gender-neutral status potentially possessible by all employees, including men and women who will never be pregnant."

Discrimination in Promotion

Appellant, a married woman with two children aged six and eleven who had spotless record of job performance, was passed up for a significant promotion, which was instead given to single women with no children. Her employers specifically stated on several occasions that women with children could not do either job well and questioned her commitment to the job. (*Trezza v. The Hartford Inc.*, 1998 W.L. 912101 (Southern District of New York)). While under present law she would have to prove that a man received promotions who was in the same situation she was in, a heavy burden to meet (that the court recognized was often impossible to meet), our proposed law would simply prohibit such actions.

Demotion/ constructive termination

While plaintiff was on maternity leave, her job was given to a new employee. When plaintiff returned from maternity leave, she was offered a job that was a demotion to an hourly wage job from a salaried position. She refused the position and alleged that she was discriminated against because she had a family. The court held that discrimination based on new parenthood does not state a claim under the Pregnancy Discrimination Act, nor is it cognizable gender

discrimination.(Santrizos v. Aramark Corporation, 1998 U.S. Dist. LEXIS 15946 (U.S. Northern District of Illinois)

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norton
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- ellen szegor - 2000

PARENTAL DISCRIM

7-19-99

~~Parental rights~~

Parent needs to be defined

→ pregnancy covered by PDA

→ removing prospective in (DE)

→addy has status of in (DE)

→ remove defn of "child" (1), instead define ~~parent~~ w/in parental
~~parent~~ status.

Trends ■ Forecasts ■ Reports ■ Meetings

Coalition Members Endow Scholarship Fund for Child Care Workers

In memory of a work/life colleague who died a year ago of a brain aneurysm, a group of Hartford, Conn., HR specialists convinced their large employers to endow a \$70,000 college scholarship fund for child care workers. Any employee who works for Aetna, Allstate Insurance Cos., BP Amoco, Deloitte & Touche, Exxon, GE Capital Services, IBM, Johnson & Johnson, Texas Instruments or WFD Consulting may nominate a licensed child care worker to receive up to \$750 for tuition.

Contact: Hartford Association for the Education of Young Children, 1800 Silas Deane Hwy., Suite 157, Rocky Hill, Conn. 06067, (860) 257-0676.

Minnesota NOW Survey to Identify Woman-Friendly Firms

The Minnesota chapter of the National Organization for Women (NOW) is wrapping up a statewide survey of female employees who are answering questions about how well they fare at work. This summer, NOW will ask employers the same questions, including queries on child care, flexibility, hours, elder care, harassment, discrimination and affirmative action. Firms will receive questionnaires in the mail; or, request one by calling NOW at (651) 222-1605.

Labor Department Seeks a Few Good Firms

The U.S. Department of Labor's Women's Bureau is linking businesses experienced in setting up child care programs with those just getting started. As part of the Business to Business Mentoring Initiative on Child Care, Labor Secretary Alexis M. Herman has called for companies to share their experiences so "beginners can avoid the pitfalls and save on costs." Businesses can sign up on the bureau's web site at <http://www.dol.gov/dol/wb>.

More Dads Raising Kids Alone

The number of single mothers has remained constant at 9.8 million since 1995, but the legion of single fathers has grown by 25 percent from 1.7 million to 2.1 million, the Commerce Department reports. Men now comprise one-sixth of the nation's 11.9 million single parents, according to a recent update of the government report, *Household and Family Characteristics*.

KinderCare Revenues Increase

KinderCare Learning Centers has announced net revenues of \$142.2 million for the second quarter of fiscal 1999, up \$6.7 million, or 4.9 percent, over the second quarter of last year. During this past quarter, KinderCare opened 17 centers and closed 15, bringing its tally of preschool and child care centers to 1,149 in the United States and two in the United Kingdom. Average enrollment for the year was 120,000 full- and part-time children.

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An Initiative to Protect Parents from Discrimination in the Workplace

Working Americans today enjoy many protections. However, parents lack a basic protection. If they are discriminated against in the workplace simply because they are parents, most have no legal recourse to address these discriminatory practices. And yet, employers often falsely assume that employees with parental responsibilities are not capable of performing as well as their co-workers without children. Eight states – Alaska, Kentucky, Michigan, Nebraska, New Hampshire, New Jersey, Pennsylvania, South Dakota – and the District of Columbia recognize the need to protect parents from discrimination in the workplace and have enacted statutes prohibiting discrimination on the basis of parental or family status. This protection is especially important given the increasing number of parents participating in the work force, including more single fathers and mothers and dual-income couples. Parents, balancing responsibilities at home and at work should be valued, not discriminated against.

The Need

- A 1997 survey revealed that 46 percent of workers are parents. Nearly one in five employed parents is single, and among these 27 percent are single fathers.
- The number of women with children who were employed increased from 18.3 million in 1985 to 24.1 million in 1997.
- In 1977, only 49 percent of married male employees with children under 18 had spouses who were also employed, 67 percent do today.

The Proposal

Specifically, the proposed statute would include parental status as a protected class with respect to employment discrimination. Parental status would cover parents of children under 18 years of age and children who remain under parental supervision because of a mental or physical disability, as well as those seeking legal custody of children. The statute would not amend current law, but would stand alone and refer to the definitions and clauses of existing anti-discrimination laws. This would effectively broaden the protections offered in the states referenced above to every state and provide parents across the nation with this most basic protection.

Examples of Prohibited Conduct

- Taking a mother or father off of a career-advancing path out of a belief that parents cannot meet requirements of these jobs.
- Hiring a man or woman without children over a more qualified man or woman with children because of unfounded concerns about working parents.
- Refusing to hire a former welfare recipient because an employer has a policy against hiring single parents – though the employer hires many single people without children.

DRAFT FINDINGS

The Congress finds that:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of sex; the Americans with Disabilities Act prohibits discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of disability; the Family and Medical Leave Act imposes certain requirements with regard to leave; [etc.; add other statutes.];
- Nothing in this law is intended to affect the interpretation of these statutes;
- Despite the provisions of these statutes, individuals are not protected to the extent that employment discrimination against them is based solely on their status as parents;
- Such discrimination occurs where, for example, employers refuse to hire both men and women who have, or plan to have, children, based on stereotypes and assumptions about such individuals' level of commitment to the work force;
- Such discrimination has occurred in the work place and has been largely unremedied;
- The Congress has authority to address such discrimination under its power to enforce the requirement for equal protection of the laws under the Fourteenth Amendment to the United States Constitution; and
- The Congress intends to exercise that authority in enacting this law.

Life Off the Job

Eighty-five percent of U.S. wage and salaried workers live with family members and have immediate, day-to-day family responsibilities off the job. Family members include anyone related by blood, marriage, or adoption, as well as partners to whom employees are not legally married.

Forty-six percent of wage and salaried workers are parents—that is, they have children under 18 who live with them at least half-time.

- Nearly one in five employed parents is single, and more workers are raising children alone today than workers did 20 years ago.

Among employed single parents, 27 percent are men.

More than three out of four married employees have spouses or partners who are also employed—an increase from 66 to 78 percent over the past 20 years. Among full-time employees living in dual-earner households, 75 percent have

partners who also work full-time.

While only 49 percent of married male employees with children under 18 had employed partners in 1977, 67 percent do today.

Thirteen percent of wage and salaried workers—83 percent of whom have full-time primary jobs—moonlight at secondary jobs, adding an average of 13 hours per week to the hours they work at their primary jobs. The most important reason employees take second jobs is to earn extra money.

Are the Roles of Mothers and Fathers Changing?

Although employed married fathers spend less time with children than employed married mothers do on both workdays and days off work, the time fathers spend with their children has increased substantially over the past 20 years, while the time mothers spend has remained the same. For example, fathers spend an average of 2.3 hours per workday caring for and doing things with their children, an increase of 30 minutes per workday since 1977. In contrast, mothers spend nearly one hour more than fathers (3.2 versus 2.3 hours) with their children on workdays, but the total time they spend has not changed significantly from 1977 to 1997.

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Primarily as the result of changes in fathers' behavior, children are receiving somewhat more attention from their employed parents today than was the case 20 years ago. However, 70 percent of both fathers and mothers feel they do not have enough time with their children.

Employed married mothers spend more *time on chores* than employed married fathers do on both workdays and days off work, whether or not they have children. However, this gap has narrowed quite substantially over the past 20 years, with fathers spending more time, and mothers less, on household work. The decrease for mothers is more than offset by the increase for fathers. Over the past 20 years, mothers' workday time on chores has decreased by 36 minutes per day, while men's time has increased by one hour.

Married employees with children—both fathers and mothers—spend less time on their own *personal activities* today than employees 20 years ago did. The decline has been somewhat more pronounced for fathers than for mothers, suggesting, again, a gradual convergence in the way employed fathers and mothers in couples allocate their time off the job. Fathers spend an average of 1.2 hours engaged in their own free-time activities on workdays, 54 minutes less per workday than 20 years ago. Mothers spend even less time engaged in personal activities on workdays (0.9 hours), 42 minutes less per workday than 20 years ago.

The decrease in time that married fathers spend on themselves suggests where they may have found more time for their children and household work, while the decrease in mothers' time on chores and personal time may help to explain how they have managed to preserve time for their children despite longer hours on the job. The implications of reduced personal time for workers' mental health is another matter.

Child Care Arrangements

Among all employed parents with pre-kindergarten children, two-thirds rely on family members—partners and relatives—as the primary source of care for their youngest children, while a third use non-family arrangements. Among employed parents with employed spouses, 55 percent rely on care by parents or other relatives.

Those experiencing the fewest child care breakdowns—having to make other arrangements because their usual care is not available—use center-based or parental child care.

Although employed married women spend more time on chores than employed married men do on both workdays and days off work, whether or not they have children, this gap has narrowed quite substantially over the past 20 years.

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When one member of a dual-earner couple has to care for a sick child or attend to other needs of children when both are supposed to be at their jobs, 83 percent of employed mothers say they are more likely than their partners to take time off, compared with only 22 percent of fathers who make this claim.

*Findings
from
Chapter 4*

The Personal Well-Being of Workers

Most employees are fairly satisfied with their lives in general, their family lives, and their relationships with their partners, but many have reservations. Only 33 percent rate general life satisfaction at the highest level, while 31 percent and 51 percent, respectively, rate family satisfaction and marital satisfaction at the highest levels.

In the past three months, nearly one-quarter of employees have felt nervous or stressed often or very often, and 13 percent have had difficulty coping with the demands of everyday life often or very often.

Substantial numbers of employees feel burned-out by their jobs. For instance, in the past three months 26 percent have felt emotionally drained by their work often or very often, and 36 percent have felt used up at the end of the workday often or very often.

Similarly, many employees are affected by negative spillover from their jobs into their personal lives. For example, in the past three months 26 percent have not been in as good a mood as they would have liked at home because of their jobs often or very often, and 28 percent have not had the energy to do things with their families or other important people in their lives often or very often.

In the past three months nearly one-quarter of employees have felt nervous or stressed often or very often, and a substantial number of employees feel burned-out by their jobs.

Job Characteristics

Job Demands

Considering *all paid and unpaid hours worked at any location*, employees spend an average of 44 hours per week on work related to their *primary or only jobs*—six hours more than they are scheduled to work. When the time that the 13 percent of employees who worked at secondary jobs is included, the average total hours worked per week at *all jobs* for all employees increases to 46. On average, men work more hours at all jobs (49 hours per week) than women (42 hours per week).

Eighty-five percent of workers in the wage and salaried labor force are scheduled to work full-time at their main jobs. Women are more likely (21 percent) than men (8 percent) to have part-time jobs, which accounts for part of the difference in hours worked by men and women in the labor force.

It appears¹ that employees are working longer hours today than employees 20 years ago worked. Among employees working 20 or more hours per week,² all paid and unpaid hours worked at all jobs have increased from 43.6 hours in 1977 to 47.1 hours in 1997—an increase of 3.5 hours per week. While men's total hours at all jobs have increased from 47.1 hours to 49.9 hours—an increase of 2.8 hours per week—women's hours have increased from 39 hours to 44 hours—an increase of 5 hours per week.

Among employees working 20 or more hours per week, all paid and unpaid hours worked at all jobs have increased from 43.6 hours in 1977 to 47.1 hours in 1997.

Employed fathers with children under 18 work longer paid and unpaid hours at all jobs (50.9 hours) than other men (48 hours), while employed mothers with children under 18 work fewer hours (41.4 hours) than other women (43.4 hours). Fathers' total work time has increased by 3.1 hours in the past 20 years, while mothers' time has increased by 5 hours.

Given the hours people work, it should come as no surprise that many employees (63 percent) would like to work less. There is no difference in the proportions of men and women who would like to work fewer hours, and both would reduce their current total work week by about 11 hours on average if they could. The proportion of employees who would like to work fewer hours has increased by 17 percentage points since 1992.

1. Small variations in the way work hours were measured in 1977 and 1997 may affect these estimates somewhat. However, the differences found are sufficiently large and reliable to suggest that they are not accounted for by measurement bias.

2. The restriction of the sample to employees working 20 or more hours per week was necessitated by the design of the 1977 survey.

Nearly one in five employees is *required* to work paid or unpaid overtime hours once a week or more with little or no notice, and one in five employees regularly takes overnight business trips.

One in three employees brings work home once a week or more often—an increase of 10 percentage points since 1977.

Moreover, many workers indicate that they have to work very fast (68 percent), have to work very hard (88 percent), and do not have enough time to finish everything that needs to get done on the job (60 percent)—much higher proportions than 20 years ago.

To the extent that comparisons with data from 1977 are possible, it appears that work has become substantially more demanding over the past 20 years.

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Job Quality

Employees in 1997 have more job autonomy than employees did 20 years ago.

Opportunities and challenges to learn on the job and the meaning that employees find in their work have also increased substantially over this period.

However, only 16 percent of workers rate their chances for advancement in their jobs as excellent, while 23 percent say their chances are good and 61 percent say their chances are fair or poor.

And about three out of 10 employees think it is somewhat or very likely they will lose their jobs in the next couple of years—a higher proportion than 20 years ago.

Only 16 percent of workers rate their chances for advancement in their jobs as excellent, and 61 percent say their chances are fair or poor.

Compensation and Fringe Benefits

The majority of employees—from 74 through 84 percent—have access to traditional fringe benefits: personal health insurance coverage, pension or retirement plan, paid vacation days and holidays, and paid time off for personal illness. However, only a minority have access to dependent-care benefits: child care information and referral services (20 percent), elder care information and referral services (25 percent), on- or near-site child care services

(11 percent), financial assistance for purchasing child care services (13 percent), and dependent-care assistance plans (29 percent).

Historical comparisons could only be made with data from the 1992 survey, and then, only for 5 benefits: personal health insurance coverage, family health insurance coverage, child care information and referral services, employer operated or sponsored on- or near-site child care centers, and elder care information and referral services. Of these fringe benefits, only access to elder care information and referral services has changed, increasing from 11 percent five years ago to 25 percent today.

Access to fringe benefits varies according to a number of factors. Employees who work for companies with larger numbers of employees nationwide have greater access than other workers both to traditional and dependent-care benefits. Part-time workers, low-wage workers, and, to a lesser extent, hourly workers have less access than other workers to traditional fringe benefits.

Of all dependent-care benefits, only access to elder care information and referral services has changed, increasing from 11 percent five years ago to 25 percent today.

*Findings
from
Chapter 6*

Workplace Characteristics

Flexible Work Arrangements

Forty-five percent of employees are able to choose—within some range of hours—when they begin and end their workdays, but only one in four can change daily schedules as needed.

Two-thirds (66 percent) of employees find it relatively easy to take time off during the workday to address family or personal matters. However, only 50 percent of employed parents are able to take a few days off from work to care for sick children without losing pay, forfeiting vacation time, or having to fabricate some excuse for missing work.

Nearly all employees in companies of all sizes say that women are able to take time off—without jeopardizing their jobs—to recuperate from childbirth, and most say that men can similarly take some time off when they become fathers.

Part-time employees are more likely to believe they could switch to full-time in their current jobs, if they wanted to, than full-time workers are to believe they could switch to part-time in their current positions.

Only 50 percent of employed parents are able to take a few days off from work to care for sick children without losing pay, forfeiting vacation time, or having to fabricate some excuse for missing work.

Nineteen percent of employees spend at least part of their *regular workweek* working at home, while another seven percent say they would be allowed to do so if they wanted to.

Work Environment

Most employees feel that their immediate supervisors are quite supportive, with 76 through 92 percent agreeing with nine statements describing various dimensions of supervisor support related to performance of the job and personal or family needs.

Although most employees also feel that the cultures of their workplaces are person- and family-friendly, supervisors are rated more favorably than workplaces. Employees in smaller workplaces rate their workplace cultures as more supportive than employees in larger workplaces do.

And most employees have positive, supportive relationships with coworkers.

Men are slightly more confident than women that employees of their same gender and racial or national backgrounds can advance in the organizations where they work, while non-minority employees are much more confident than minority employees that workers of their own gender and racial or national backgrounds can advance.

Almost one in five employees feels that he or she has been discriminated against at his or her *current* job because of age, gender, or race.

Despite signs of perceived inequality of opportunity and discrimination on the job, 91 percent of workers agree strongly or somewhat that they are treated with respect at work.

Employees in smaller workplaces rate their workplace cultures as more supportive than employees in larger workplaces do.

*Findings
from
Chapter 7*

Employee Outcomes on the Job

Employees are generally satisfied with their jobs—somewhat more so today than employees 20 years ago were, and most are also committed to the success of their companies and loyal to their employers, despite the flagging loyalty of employers to their employees.

More than three out of five employees (62 percent) plan to stay with their current employers for at least the next year, while 22 percent say it is somewhat likely they will make a genuine effort to find another job with

The proportion of employees planning to stay with their employers for at least a year as well as those planning to move on have not changed since 1997.

another employer in the next year. Only 15 percent indicate that it is very likely they will move on in the next year. Perhaps surprisingly, these proportions have not changed in the past two decades.

Most employees are able to manage their personal lives so that there is relatively little negative spillover from home to work. As an example, only 4 percent of employees reported that their family or personal lives often or very often kept them from getting work done on time at their jobs in the past three months, while 13 percent said this had happened sometimes. The pattern is similar for the other home spillover items. Indeed, reported spillover from home to work is much less frequent than spillover from work to home. Nonetheless, for some employees, spillover from their personal lives into work is substantial.

Findings
from
Chapter 8

What Can Employers Do to Improve Job Satisfaction, Commitment, Performance, and Retention?

Chapters 8 and 9 explore relationships among various parts of the conceptual model that have been described above and discuss the implications of these findings for employers.

Wages and fringe benefits—including traditional benefits like health insurance, pensions, and paid time off, as well as dependent-care benefits like child care information and referral services and on- or near-site centers—are often considered primary determinants of job satisfaction, commitment, loyalty to employer, job performance, and retention.

Findings from the survey, however, tell quite a different story. The quality of employees' jobs and the supportiveness of their workplaces are far more important predictors of these outcomes than earnings or fringe benefits. Job quality is defined as autonomy on the job, learning opportunities, meaningfulness of work, opportunities for advancement, and job security. Workplace support is defined as flexibility in work arrangements, supervisor support, supportive workplace culture, positive coworker relations, absence of discrimination, respect in the workplace, and equal opportunity for workers of all backgrounds.

The implications for employers are potentially far-reaching. While offering competitive pay and benefits is undoubtedly necessary to achieving business goals, it is insufficient on its own. If employers want to maximize satisfaction, commitment, performance, and retention, they

If employers want to maximize satisfaction, commitment, performance, and retention, they provide high quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry.

must provide high-quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry. And improving job quality and work environments is generally much more challenging than providing more pay or offering new benefits, because it requires organizational change.

Findings related to job performance provide additional insights into how job and workplace characteristics are related to important business outcomes. Job performance is affected by many things, including spillover from problems that employees have in their personal lives. To improve job performance, employers frequently offer special work-life programs—wellness programs, employee assistance programs, child and elder care information and referral services, direct child care services, and so forth—to help employees solve personal problems so they will not spill over into the workplace and reduce productivity. Such strategies generally treat employees' personal problems as products of their lives off the job that are unrelated to their work experiences.

Our findings, however, indicate that work life is actually an important *source* of employees' personal problems. That is, demanding jobs and unsupportive workplaces lead to spillover from jobs into workers' personal lives that can create or exacerbate problems off the job that, in turn, spill over into work and diminish productivity. Thus, helping employees to solve problems in their personal lives by providing special programs of assistance—without also reducing the extent to which jobs contribute to these problems—may severely limit the impact of work-life programs on job performance.

Of particular concern are the negative spillover effects that demanding and hectic jobs can have on the quality of workers' personal lives and well-being. When job demands exceed some individually defined level, it seems that not even the most supportive workplaces can fully protect workers from negative job spillover into their personal lives. This spillover is reflected in high stress, poor coping, bad moods, and insufficient time and energy for people who are personally important, creating "problems" that, in turn, spill over into work and impair job performance. Therefore, actions by employers to not only increase the supportiveness of workplaces, but urge and help employees "get a life" off the job may be crucial to improving employee productivity over the long run—not to mention the obvious benefits to workers and their families.

Current and Emerging Issues

Generation X

Members of Generation X (workers 18 through 32 years old in 1997) are much better educated, as well as more racially and ethnically diverse, than young workers 20 years ago were.

Married Gen Xers—with and without children—are more likely to have an employed spouse than young workers in 1977 were, and both members of employed couples are more likely to work full-time. This creates stresses and strains that were less prevalent among earlier generations of workers.

Contrary to the portrayal of Generation X in popular media, young workers today are not a group of “slackers.” They work substantially longer hours on average and find their jobs more demanding than young workers 20 years ago did.

Although members of Generation X feel somewhat more satisfied with their jobs than young workers did two decades ago, they feel that they have less job security.

Generation-X employees are less likely than Baby Boomers were to have embarked upon their work lives imagining they would remain with the same company for most of their careers. However, half of all Gen Xers *and* Boomers now view expectations of a lifetime job as passé.

Though most Gen Xers do not expect to stay in the same jobs forever, they are not a generation of job-hoppers. Indeed, only 22 percent of young workers in both 1977 and 1997 said it was very likely they would leave their employers within the next year. Moreover, Gen Xers are just as loyal to their employers, and say that they are just as willing to work harder than required for the success of their companies, as older workers.

As for employers' concerns about retaining Gen-X employees, who are in short supply, the findings indicate that higher job quality and workplace support that is responsive to basic individual needs both on and off the job are the factors most likely to increase retention—assuming that wages and fringe benefits are competitive. This is exactly what we found for workers in general.

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Elder Care

Historically, and still today, families provide the major part of non-medical care for elderly relatives. As the population ages and labor-force participation expands, however, the supply of non-employed family members available to provide care is not keeping pace with needs. Looking into the future, one sees that elder care will demand time and attention from growing numbers of employees, affecting the way they work.

While only 13 percent of workers were providing special assistance to someone 65 years or older when interviewed, 25 percent—a quarter of the U.S. wage and salaried labor force—had provided elder care during the preceding year.

One in five working parents has been part of the so-called “sandwich generation” during the past year—both raising children and caring for elderly relatives.

The proportions of employed men and women with elder care responsibilities are virtually the same.

Employees with elder care responsibilities spend an average of nearly 11 hours per week providing assistance, with men and women spending equal amounts of time.

Among workers who had elder care responsibilities in the past year, more than one-third reduced their work hours or took time off to provide that care. Surprisingly, in the past year employed men with elder care responsibilities were just as likely as employed women to have taken time off or reduced their work hours to provide care.

Many employers appear to be at least informally supportive of workers who need to take time off or reduce work hours to provide elder care. However, employees in managerial and professional positions and employees with higher earnings are more able to take as much time as they need without losing pay.

Only one in four employees has access to elder care resource and referral services through his or her employer.

With today's smaller families, single-parent families, and two-career couples, the pool of able-bodied, non-employed adults available to provide elder care is shrinking just as demand for care is rising. It is not clear that anyone—employees, employers, community agencies, or government—is prepared for the substantial impact that growing elder care responsibilities will have on the labor force in coming years.

25 percent of employees—a quarter of the wage and salaried labor force—provided elder care during the preceding year.

It is not clear that anyone—employees, employers, community agencies, or government—is prepared for the substantial impact that growing elder care responsibilities will have on the labor force in coming years.

Although no one expects employers to address the full range of issues raised by this demographic tidal wave, employers who do not anticipate the potential disruptions to their workforces will likely be taken aback by the consequences.

Work-Family Backlash?

Despite claims in the press and worries in the boardroom, the findings do not indicate that young, unmarried, or childless employees are more likely than other workers to resent work-family benefits that do not benefit them personally. Nor are they more likely to resent doing extra work occasionally to accommodate coworkers' family or personal needs.

In general, the demographic characteristics of individual workers bear little relationship to either their acceptance of work-family benefits that are not personally beneficial to them or their willingness to do extra work to accommodate the personal and family needs of coworkers. Rather, workplace characteristics—flexibility, supportive supervisors, good coworker relations, and supportive workplace cultures—are most predictive of employees' acceptance of work-family benefits and willingness to accommodate coworkers' needs. Thus, it would appear that employers who have made greater progress in creating person- and family-friendly work environments actually experience less work-family backlash.

To a large extent, supportive workplace factors are within the control of employers to alter, unlike the personal demographic characteristics that workers bring to the job. Although creating a highly supportive workplace environment is more challenging than simply implementing another discrete benefit or program from the top down, the challenge appears to be well worth the effort when measured by employees' attitudes and behavior on the job, ranging from less resentment of work-family benefits and greater support of coworkers to increased job satisfaction, commitment, performance, and retention.

Although creating a highly supportive workplace environment is more challenging than simply implementing another discrete benefit or program from the top down, the challenge appears to be well worth the effort when measured by employees' attitudes and behavior on the job, ranging from less resentment of work-family benefits and greater support of coworkers to increased job satisfaction, commitment, performance, and retention.



Synthesis of Findings

The study of work and family life is relatively new. Most studies have investigated either how life on the job affects life at home or, conversely, how life at home affects life on the job. There have been few attempts to connect it all. *The 1997 National Study of the Changing Workforce* provides a model for understanding how work, family, and personal life fit together, a model that incorporates outcomes important to all—productivity and well-being.

We are able to test this model with a nationally representative sample of the U.S. labor force. Our study design also allows us to detect trends through comparisons with the 1977 Quality of Employment Survey, providing a 20-year perspective, and with our 1992 National Study of the Changing Workforce, providing a five-year point of reference.

What have we found?

- The *quality* of workers' jobs and the *supportiveness* of their workplaces are the most powerful predictors of productivity—job satisfaction, commitment to their employers, and retention. Job and workplace characteristics are far more important predictors than pay and benefits, which are generally competitive with the marketplace. To maximize satisfaction, commitment, and retention, employers need to provide high-quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry.

We also found that the characteristics of jobs and workplaces have important effects on the personal lives of workers.

- Employees with more difficult, more demanding jobs and less supportive workplaces experience substantially higher levels of negative spillover from work into their lives off the job—jeopardizing their personal and family well-being.

These effects set in motion a chain reaction.

- When workers feel burned-out by their jobs, when they have insufficient time and energy for themselves and their families, when work puts them in a bad mood—these feelings spill back into the workplace, limiting job performance.
- Although more supportive workplaces offer some protection against the effects of hectic and demanding jobs, not even the most supportive workplace can eliminate this problem entirely. To improve and sustain productivity over the long run, employers must not only create supportive workplace environments, but also work with employees to keep job demands in check so they do not endanger personal and family well-being. Promoting

work-life balance appears to be good both for employees and the bottom line.

So what does the scorecard tell us? Are characteristics of jobs and workplaces improving for the U.S. wage and salaried labor force? There is good news and bad news.

The good news: The quality of jobs has improved somewhat over the past 20 years, and workplaces appear to have become a bit more supportive even over the past five years. There is, however, still plenty of room for improvement.

The bad news: Jobs have become less secure. They have also become more demanding—more time-consuming and more hectic—making it increasingly difficult to achieve a balance between work and personal life.

Meanwhile, what is happening on the home front?

- The proportion of employees living in dual-earner families has increased markedly over the past 20 years, and in three-quarters of these couples, both partners work full-time. Thus, among married employees, the pooled time available for child care (if they have children) and household work is decreasing, creating additional stresses off the job.

In response to this situation, the roles of employed married men and women appear to be converging somewhat.

- Although employed married women still spend more time than men doing household chores, men's time doing household chores has increased over the past 20 years, while women's time has decreased somewhat.
- And although employed married mothers still spend more time than fathers with their children, the time that fathers spend with their children has increased over the past 20 years. The time mothers spend with their children has remained about the same despite an increase in the average hours they spend at their jobs. As a result, children appear to spend somewhat more time with their employed parents today than children 20 years ago did.

Although these role changes with respect to child care and household work appear to be positive, effective responses to the challenges facing today's families, they impose costs as well.

- Employed married men and women have less time for themselves today than their counterparts did 20 years ago, and less time for oneself is associated with lower personal well-being and greater susceptibility to negative spillover from job to home.

This brings us back to work. High-quality jobs—jobs that offer autonomy, learning opportunities, meaning, and a chance to get ahead—energize employees and win their commitment. Supportive workplaces help employees be more effective workers, people, and parents. Employers who can provide these better quality jobs and supportive workplaces have a clear competitive edge.

Summary of the Report

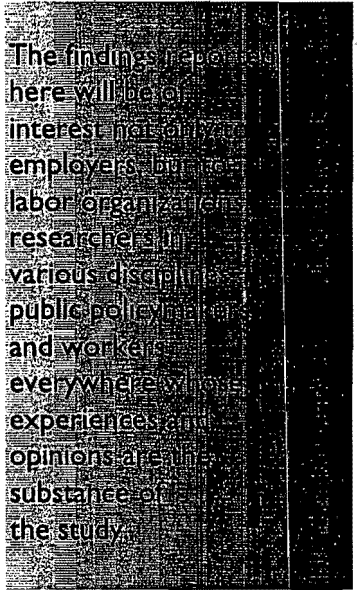
The National Study of the Changing Workforce (NSCW) is a research program of the Families and Work Institute that surveys representative samples of the nation's labor force every five years. This report focuses on findings from the 1997 survey but also provides a historical perspective by comparing data from 1997 with data from the 1992 NSCW and from the U.S. Department of Labor's 1977 Quality of Employment Survey. Only data for wage and salaried workers who are 18 years or older are considered here. The sample sizes are 2,877 employees for 1997, 2,958 for 1992, and 1,298 for 1977.

In recent years, there has been much discussion about the relationship between workers' lives on and off the job, about changes in the nature of work and in the lives of workers, and about the fit between what is good for employers and for employees, including their families. Our study addresses many of the issues raised in this ongoing discussion, while informing it with new insights.

To guide our analyses and frame our presentation of findings, we developed a conceptual model that ties together many of the elements embodied in discussions of work and personal life. This model, outlined below, portrays hypothesized causal pathways connecting characteristics of employees' jobs and workplaces, characteristics of their lives off the job, and aspects of their personal well-being to one another, as well as to the outcomes of primary interest to employers—job satisfaction, commitment to employer, job performance, and retention—at the pinnacle of the pyramid.

The findings reported here will be of interest not only to employers, but to labor organizations, researchers in various disciplines, public policymakers, and workers everywhere whose experiences and opinions are the substance of the study.

Key findings are summarized below. First, we present descriptive information about the demographic characteristics of individual employees, the characteristics of their lives off the job, their personal well-being, the quality of their jobs, and the quality of their workplaces, as well as their job satisfaction, commitment to their employers, job performance, and plans to remain with their current employers. Then we present and discuss findings that test the conceptual model by exploring the ways in which these factors affect one another.



The findings reported here will be of interest not only to employers, but to labor organizations, researchers in various disciplines, public policymakers, and workers everywhere whose experiences and opinions are the substance of the study.

*Findings
from
Chapter 2*

The Changing Composition of the Workforce

Over the past 20 years, the U.S. wage and salaried labor force has become more balanced with respect to gender, older on average, much better educated, more racially and ethnically diverse, and more concentrated in managerial and professional occupations.

Trends ■ Forecasts ■ Reports ■ Meetings

Coalition Members Endow Scholarship Fund for Child Care Workers

In memory of a work/life colleague who died a year ago of a brain aneurysm, a group of Hartford, Conn., HR specialists convinced their large employers to endow a \$70,000 college scholarship fund for child care workers. Any employee who works for Aetna, Allstate Insurance Cos., BP Amoco, Deloitte & Touche, Exxon, GE Capital Services, IBM, Johnson & Johnson, Texas Instruments or WFD Consulting may nominate a licensed child care worker to receive up to \$750 for tuition.

Contact: Hartford Association for the Education of Young Children, 1800 Silas Deane Hwy., Suite 157, Rocky Hill, Conn. 06067, (860) 257-0676.

Minnesota NOW Survey to Identify Woman-Friendly Firms

The Minnesota chapter of the National Organization for Women (NOW) is wrapping up a statewide survey of female employees who are answering questions about how well they fare at work. This summer, NOW will ask employers the same questions, including queries on child care, flexibility, hours, elder care, harassment, discrimination and affirmative action. Firms will receive questionnaires in the mail; or, request one by calling NOW at (651) 222-1605.

Labor Department Seeks a Few Good Firms

The U.S. Department of Labor's Women's Bureau is linking businesses experienced in setting up child care programs with those just getting started. As part of the Business to Business Mentoring Initiative on Child Care, Labor Secretary Alexis M. Herman has called for companies to share their experiences so "beginners can avoid the pitfalls and save on costs." Businesses can sign up on the bureau's web site at <http://www.dol.gov/dol/wb>.

More Dads Raising Kids Alone

The number of single mothers has remained constant at 9.8 million since 1995, but the legion of single fathers has grown by 25 percent from 1.7 million to 2.1 million, the Commerce Department reports. Men now comprise one-sixth of the nation's 11.9 million single parents, according to a recent update of the government report, *Household and Family Characteristics*.

KinderCare Revenues Increase

KinderCare Learning Centers has announced net revenues of \$142.2 million for the second quarter of fiscal 1999, up \$6.7 million, or 4.9 percent, over the second quarter of last year. During this past quarter, KinderCare opened 17 centers and closed 15, bringing its tally of preschool and child care centers to 1,149 in the United States and two in the United Kingdom. Average enrollment for the year was 120,000 full- and part-time children.

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An Initiative to Protect Parents from Discrimination in the Workplace

Working Americans today enjoy many protections. However, parents lack a basic protection. If they are discriminated against in the workplace simply because they are parents, most have no legal recourse to address these discriminatory practices. And yet, employers often falsely assume that employees with parental responsibilities are not capable of performing as well as their co-workers without children. Eight states -- Alaska, Kentucky, Michigan, Nebraska, New Hampshire, New Jersey, Pennsylvania, South Dakota -- and the District of Columbia recognize the need to protect parents from discrimination in the workplace and have enacted statutes prohibiting discrimination on the basis of parental or family status. This protection is especially important given the increasing number of parents participating in the work force, including more single fathers and mothers and dual-income couples. Parents, balancing responsibilities at home and at work should be valued, not discriminated against.

The Need

- A 1997 survey revealed that 46 percent of workers are parents. Nearly one in five employed parents is single, and among these 27 percent are single fathers.
- The number of women with children who were employed increased from 18.3 million in 1985 to 24.1 million in 1997.
- In 1977, only 49 percent of married male employees with children under 18 had spouses who were also employed, 67 percent do today.

The Proposal

Specifically, the proposed statute would include parental status as a protected class with respect to employment discrimination. Parental status would cover parents of children under 18 years of age and children who remain under parental supervision because of a mental or physical disability, as well as those seeking legal custody of children. The statute would not amend current law, but would stand alone and refer to the definitions and clauses of existing anti-discrimination laws. This would effectively broaden the protections offered in the states referenced above to every state and provide parents across the nation with this most basic protection.

Examples of Prohibited Conduct

- Taking a mother or father off of a career-advancing path out of a belief that parents cannot meet requirements of these jobs.
- Hiring a man or woman without children over a more qualified man or woman with children because of unfounded concerns about working parents.
- Refusing to hire a former welfare recipient because an employer has a policy against hiring single parents -- though the employer hires many single people without children.

DRAFT FINDINGS

The Congress finds that:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of sex; the Americans with Disabilities Act prohibits discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of disability; the Family and Medical Leave Act imposes certain requirements with regard to leave; [etc.; add other statutes.];
- Nothing in this law is intended to affect the interpretation of these statutes;
- Despite the provisions of these statutes, individuals are not protected to the extent that employment discrimination against them is based solely on their status as parents;
- Such discrimination occurs where, for example, employers refuse to hire both men and women who have, or plan to have, children, based on stereotypes and assumptions about such individuals' level of commitment to the work force;
- Such discrimination has occurred in the work place and has been largely unremedied;
- The Congress has authority to address such discrimination under its power to enforce the requirement for equal protection of the laws under the Fourteenth Amendment to the United States Constitution; and
- The Congress intends to exercise that authority in enacting this law.

Life Off the Job

Eighty-five percent of U.S. wage and salaried workers live with family members and have immediate, day-to-day family responsibilities off the job. Family members include anyone related by blood, marriage, or adoption, as well as partners to whom employees are not legally married.

Forty-six percent of wage and salaried workers are parents—that is, they have children under 18 who live with them at least half-time.

- Nearly one in five employed parents is single, and more workers are raising children alone today than workers did 20 years ago.

Among employed single parents, 27 percent are men.

More than three out of four married employees have spouses or partners who are also employed—an increase from 66 to 78 percent over the past 20 years. Among full-time employees living in dual-earner households, 75 percent have partners who also work full-time.

While only 49 percent of married male employees with children under 18 had employed partners in 1977, 67 percent do today.

Thirteen percent of wage and salaried workers—83 percent of whom have full-time primary jobs—moonlight at secondary jobs, adding an average of 13 hours per week to the hours they work at their primary jobs. The most important reason employees take second jobs is to earn extra money.

Are the Roles of Mothers and Fathers Changing?

Although employed married fathers spend less time with children than employed married mothers do on both workdays and days off work, the time fathers spend with their children has increased substantially over the past 20 years, while the time mothers spend has remained the same. For example, fathers spend an average of 2.3 hours per workday caring for and doing things with their children, an increase of 30 minutes per workday since 1977. In contrast, mothers spend nearly one hour more than fathers (3.2 versus 2.3 hours) with their children on workdays, but the total time they spend has not changed significantly from 1977 to 1997.

More than three out of four married employees have spouses or partners who are also employed—an increase from 66 to 78 percent over the past 20 years.

Fathers spend an average of 2.3 hours per workday caring for and doing things with their children, an increase of 30 minutes per workday since 1977.

Primarily as the result of changes in fathers' behavior, children are receiving somewhat more attention from their employed parents today than was the case 20 years ago. However, 70 percent of both fathers and mothers feel they do not have enough time with their children.

Employed married mothers spend more *time on chores* than employed married fathers do on both workdays and days off work, whether or not they have children. However, this gap has narrowed quite substantially over the past 20 years, with fathers spending more time, and mothers less, on household work. The decrease for mothers is more than offset by the increase for fathers. Over the past 20 years, mothers' workday time on chores has decreased by 36 minutes per day, while men's time has increased by one hour.

Married employees with children—both fathers and mothers—spend less time on their own *personal activities* today than employees 20 years ago did. The decline has been somewhat more pronounced for fathers than for mothers, suggesting, again, a gradual convergence in the way employed fathers and mothers in couples allocate their time off the job. Fathers spend an average of 1.2 hours engaged in their own free-time activities on workdays, 54 minutes less per workday than 20 years ago. Mothers spend even less time engaged in personal activities on workdays (0.9 hours), 42 minutes less per workday than 20 years ago.

The decrease in time that married fathers spend on themselves suggests where they may have found more time for their children and household work, while the decrease in mothers' time on chores and personal time may help to explain how they have managed to preserve time for their children despite longer hours on the job. The implications of reduced personal time for workers' mental health is another matter.

Child Care Arrangements

Among all employed parents with pre-kindergarten children, two-thirds rely on family members—partners and relatives—as the primary source of care for their youngest children, while a third use non-family arrangements. Among employed parents with employed spouses, 55 percent rely on care by parents or other relatives.

Those experiencing the fewest child care breakdowns—having to make other arrangements because their usual care is not available—use center-based or parental child care.

Although employed married women spend more time on chores than employed married men do on both workdays and days off work, whether or not they have children, this gap has narrowed quite substantially over the past 20 years.

Among employed parents with employed spouses, 55 percent rely on care by parents or other relatives.

When one member of a dual-earner couple has to care for a sick child or attend to other needs of children when both are supposed to be at their jobs, 83 percent of employed mothers say they are more likely than their partners to take time off, compared with only 22 percent of fathers who make this claim.

*Findings
from
Chapter 4*

The Personal Well-Being of Workers

Most employees are fairly satisfied with their lives in general, their family lives, and their relationships with their partners, but many have reservations. Only 33 percent rate general life satisfaction at the highest level, while 31 percent and 51 percent, respectively, rate family satisfaction and marital satisfaction at the highest levels.

In the past three months, nearly one-quarter of employees have felt nervous or stressed often or very often, and 13 percent have had difficulty coping with the demands of everyday life often or very often.

Substantial numbers of employees feel burned-out by their jobs. For instance, in the past three months 26 percent have felt emotionally drained by their work often or very often, and 36 percent have felt used up at the end of the workday often or very often.

Similarly, many employees are affected by negative spillover from their jobs into their personal lives. For example, in the past three months 26 percent have not been in as good a mood as they would have liked at home because of their jobs often or very often, and 28 percent have not had the energy to do things with their families or other important people in their lives often or very often.

In the past three months nearly one-quarter of employees have felt nervous or stressed often or very often. A substantial number of employees feel burned-out by their jobs.

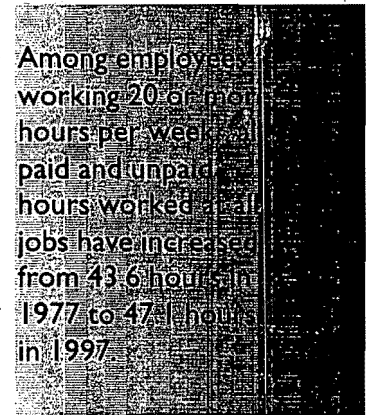
Job Characteristics

Job Demands

Considering *all paid and unpaid hours worked at any location*, employees spend an average of 44 hours per week on work related to their *primary or only jobs*—six hours more than they are scheduled to work. When the time that the 13 percent of employees who worked at secondary jobs is included, the average total hours worked per week at *all jobs* for all employees increases to 46. On average, men work more hours at all jobs (49 hours per week) than women (42 hours per week).

Eighty-five percent of workers in the wage and salaried labor force are scheduled to work full-time at their main jobs. Women are more likely (21 percent) than men (8 percent) to have part-time jobs, which accounts for part of the difference in hours worked by men and women in the labor force.

It appears¹ that employees are working longer hours today than employees 20 years ago worked. Among employees working 20 or more hours per week,² all paid and unpaid hours worked at all jobs have increased from 43.6 hours in 1977 to 47.1 hours in 1997—an increase of 3.5 hours per week. While men's total hours at all jobs have increased from 47.1 hours to 49.9 hours—an increase of 2.8 hours per week—women's hours have increased from 39 hours to 44 hours—an increase of 5 hours per week.



Among employees working 20 or more hours per week, all paid and unpaid hours worked at all jobs have increased from 43.6 hours in 1977 to 47.1 hours in 1997.

Employed fathers with children under 18 work longer paid and unpaid hours at all jobs (50.9 hours) than other men (48 hours), while employed mothers with children under 18 work fewer hours (41.4 hours) than other women (43.4 hours). Fathers' total work time has increased by 3.1 hours in the past 20 years, while mothers' time has increased by 5 hours.

Given the hours people work, it should come as no surprise that many employees (63 percent) would like to work less. There is no difference in the proportions of men and women who would like to work fewer hours, and both would reduce their current total work week by about 11 hours on average if they could. The proportion of employees who would like to work fewer hours has increased by 17 percentage points since 1992.

1. Small variations in the way work hours were measured in 1977 and 1997 may affect these estimates somewhat. However, the differences found are sufficiently large and reliable to suggest that they are not accounted for by measurement bias.

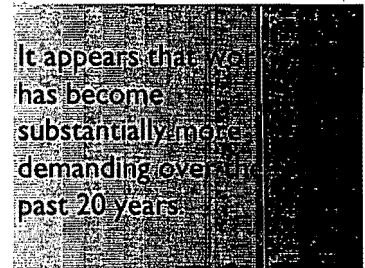
2. The restriction of the sample to employees working 20 or more hours per week was necessitated by the design of the 1977 survey.

Nearly one in five employees is *required* to work paid or unpaid overtime hours once a week or more with little or no notice, and one in five employees regularly takes overnight business trips.

One in three employees brings work home once a week or more often—an increase of 10 percentage points since 1977.

Moreover, many workers indicate that they have to work very fast (68 percent), have to work very hard (88 percent), and do not have enough time to finish everything that needs to get done on the job (60 percent)—much higher proportions than 20 years ago.

To the extent that comparisons with data from 1977 are possible, it appears that work has become substantially more demanding over the past 20 years.



It appears that work has become substantially more demanding over the past 20 years.

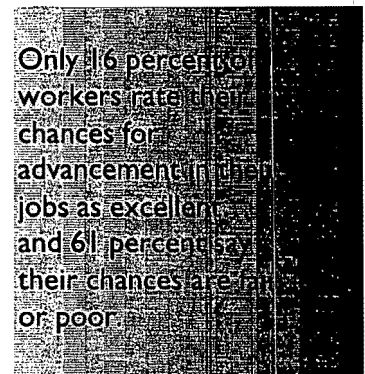
Job Quality

Employees in 1997 have more job autonomy than employees did 20 years ago.

Opportunities and challenges to learn on the job and the meaning that employees find in their work have also increased substantially over this period.

However, only 16 percent of workers rate their chances for advancement in their jobs as excellent, while 23 percent say their chances are good and 61 percent say their chances are fair or poor.

And about three out of 10 employees think it is somewhat or very likely they will lose their jobs in the next couple of years—a higher proportion than 20 years ago.



Only 16 percent of workers rate their chances for advancement in their jobs as excellent, and 61 percent say their chances are fair or poor.

Compensation and Fringe Benefits

The majority of employees—from 74 through 84 percent—have access to traditional fringe benefits: personal health insurance coverage, pension or retirement plan, paid vacation days and holidays, and paid time off for personal illness. However, only a minority have access to dependent-care benefits: child care information and referral services (20 percent), elder care information and referral services (25 percent), on- or near-site child care services

(11 percent), financial assistance for purchasing child care services (13 percent), and dependent-care assistance plans (29 percent).

Historical comparisons could only be made with data from the 1992 survey, and then, only for 5 benefits: personal health insurance coverage, family health insurance coverage, child care information and referral services, employer operated or sponsored on- or near-site child care centers, and elder care information and referral services. Of these fringe benefits, only access to elder care information and referral services has changed, increasing from 11 percent five years ago to 25 percent today.

Access to fringe benefits varies according to a number of factors. Employees who work for companies with larger numbers of employees nationwide have greater access than other workers both to traditional and dependent-care benefits. Part-time workers, low-wage workers, and, to a lesser extent, hourly workers have less access than other workers to traditional fringe benefits.

Of all dependent-care benefits, only access to elder care information and referral services has changed, increasing from 11 percent five years ago to 25 percent today.

*Findings
from
Chapter 6*

Workplace Characteristics

Flexible Work Arrangements

Forty-five percent of employees are able to choose—within some range of hours—when they begin and end their workdays, but only one in four can change daily schedules as needed.

Two-thirds (66 percent) of employees find it relatively easy to take time off during the workday to address family or personal matters. However, only 50 percent of employed parents are able to take a few days off from work to care for sick children without losing pay, forfeiting vacation time, or having to fabricate some excuse for missing work.

Nearly all employees in companies of all sizes say that women are able to take time off—without jeopardizing their jobs—to recuperate from childbirth, and most say that men can similarly take some time off when they become fathers.

Part-time employees are more likely to believe they could switch to full-time in their current jobs, if they wanted to, than full-time workers are to believe they could switch to part-time in their current positions.

Only 50 percent of employed parents are able to take a few days off from work to care for sick children without losing pay, forfeiting vacation time, or having to fabricate some excuse for missing work.

Nineteen percent of employees spend at least part of their *regular workweek* working at home, while another seven percent say they would be allowed to do so if they wanted to.

Work Environment

Most employees feel that their immediate supervisors are quite supportive, with 76 through 92 percent agreeing with nine statements describing various dimensions of supervisor support related to performance of the job and personal or family needs.

Although most employees also feel that the cultures of their workplaces are person- and family-friendly, supervisors are rated more favorably than workplaces. Employees in smaller workplaces rate their workplace cultures as more supportive than employees in larger workplaces do.

And most employees have positive, supportive relationships with coworkers.

Men are slightly more confident than women that employees of their same gender and racial or national backgrounds can advance in the organizations where they work, while non-minority employees are much more confident than minority employees that workers of their own gender and racial or national backgrounds can advance.

Almost one in five employees feels that he or she has been discriminated against at his or her *current* job because of age, gender, or race.

Despite signs of perceived inequality of opportunity and discrimination on the job, 91 percent of workers agree strongly or somewhat that they are treated with respect at work.

Employees in smaller workplaces rate their workplace cultures as more supportive than employees in larger workplaces do.

*Findings
from
Chapter 7*

Employee Outcomes on the Job

Employees are generally satisfied with their jobs—somewhat more so today than employees 20 years ago were, and most are also committed to the success of their companies and loyal to their employers, despite the flagging loyalty of employers to their employees.

More than three out of five employees (62 percent) plan to stay with their current employers for at least the next year, while 22 percent say it is somewhat likely they will make a genuine effort to find another job with

The proportions of employees planning to stay with their employers for at least a year as well as those planning to move on have not changed since 1977.

another employer in the next year. Only 15 percent indicate that it is very likely they will move on in the next year. Perhaps surprisingly, these proportions have not changed in the past two decades.

Most employees are able to manage their personal lives so that there is relatively little negative spillover from home to work. As an example, only 4 percent of employees reported that their family or personal lives often or very often kept them from getting work done on time at their jobs in the past three months, while 13 percent said this had happened sometimes. The pattern is similar for the other home spillover items. Indeed, reported spillover from home to work is much less frequent than spillover from work to home. Nonetheless, for some employees, spillover from their personal lives into work is substantial.

*Findings
from
Chapter 8*

What Can Employers Do to Improve Job Satisfaction, Commitment, Performance, and Retention?

Chapters 8 and 9 explore relationships among various parts of the conceptual model that have been described above and discuss the implications of these findings for employers.

Wages and fringe benefits—including traditional benefits like health insurance, pensions, and paid time off, as well as dependent-care benefits like child care information and referral services and on- or near-site centers—are often considered primary determinants of job satisfaction, commitment, loyalty to employer, job performance, and retention.

Findings from the survey, however, tell quite a different story. The quality of employees' jobs and the supportiveness of their workplaces are far more important predictors of these outcomes than earnings or fringe benefits. Job quality is defined as autonomy on the job, learning opportunities, meaningfulness of work, opportunities for advancement, and job security. Workplace support is defined as flexibility in work arrangements, supervisor support, supportive workplace culture, positive coworker relations, absence of discrimination, respect in the workplace, and equal opportunity for workers of all backgrounds.

The implications for employers are potentially far-reaching. While offering competitive pay and benefits is undoubtedly necessary to achieving business goals, it is insufficient on its own. If employers want to maximize satisfaction, commitment, performance, and retention, they

If employers want to maximize satisfaction, commitment, performance, and retention, they must provide high-quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry.

must provide high-quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry. And improving job quality and work environments is generally much more challenging than providing more pay or offering new benefits, because it requires organizational change.

Findings related to job performance provide additional insights into how job and workplace characteristics are related to important business outcomes. Job performance is affected by many things, including spillover from problems that employees have in their personal lives. To improve job performance, employers frequently offer special work-life programs—wellness programs, employee assistance programs, child and elder care information and referral services, direct child care services, and so forth—to help employees solve personal problems so they will not spill over into the workplace and reduce productivity. Such strategies generally treat employees' personal problems as products of their lives off the job that are unrelated to their work experiences.

Our findings, however, indicate that work life is actually an important *source* of employees' personal problems. That is, demanding jobs and unsupportive workplaces lead to spillover from jobs into workers' personal lives that can create or exacerbate problems off the job that, in turn, spill over into work and diminish productivity. Thus, helping employees to solve problems in their personal lives by providing special programs of assistance—without also reducing the extent to which jobs contribute to these problems—may severely limit the impact of work-life programs on job performance.

Of particular concern are the negative spillover effects that demanding and hectic jobs can have on the quality of workers' personal lives and well-being. When job demands exceed some individually defined level, it seems that not even the most supportive workplaces can fully protect workers from negative job spillover into their personal lives. This spillover is reflected in high stress, poor coping, bad moods, and insufficient time and energy for people who are personally important, creating "problems" that, in turn, spill over into work and impair job performance. Therefore, actions by employers to not only increase the supportiveness of workplaces, but urge and help employees "get a life" off the job may be crucial to improving employee productivity over the long run—not to mention the obvious benefits to workers and their families.

Current and Emerging Issues

Generation X

Members of Generation X (workers 18 through 32 years old in 1997) are much better educated, as well as more racially and ethnically diverse, than young workers 20 years ago were.

Married Gen Xers—with and without children—are more likely to have an employed spouse than young workers in 1977 were, and both members of employed couples are more likely to work full-time. This creates stresses and strains that were less prevalent among earlier generations of workers.

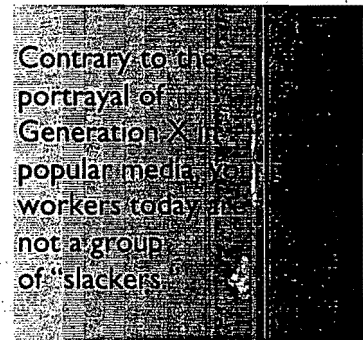
Contrary to the portrayal of Generation X in popular media, young workers today are not a group of “slackers.” They work substantially longer hours on average and find their jobs more demanding than young workers 20 years ago did.

Although members of Generation X feel somewhat more satisfied with their jobs than young workers did two decades ago, they feel that they have less job security.

Generation-X employees are less likely than Baby Boomers were to have embarked upon their work lives imagining they would remain with the same company for most of their careers. However, half of all Gen Xers *and* Boomers now view expectations of a lifetime job as passé.

Though most Gen Xers do not expect to stay in the same jobs forever, they are not a generation of job-hoppers. Indeed, only 22 percent of young workers in both 1977 and 1997 said it was very likely they would leave their employers within the next year. Moreover, Gen Xers are just as loyal to their employers, and say that they are just as willing to work harder than required for the success of their companies, as older workers.

As for employers' concerns about retaining Gen-X employees, who are in short supply, the findings indicate that higher job quality and workplace support that is responsive to basic individual needs both on and off the job are the factors most likely to increase retention—assuming that wages and fringe benefits are competitive. This is exactly what we found for workers in general.



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portrayal of
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Elder Care

Historically, and still today, families provide the major part of non-medical care for elderly relatives. As the population ages and labor-force participation expands, however, the supply of non-employed family members available to provide care is not keeping pace with needs. Looking into the future, one sees that elder care will demand time and attention from growing numbers of employees, affecting the way they work.

While only 13 percent of workers were providing special assistance to someone 65 years or older when interviewed, 25 percent—a quarter of the U.S. wage and salaried labor force—had provided elder care during the preceding year.

One in five working parents has been part of the so-called “sandwich generation” during the past year—both raising children and caring for elderly relatives.

The proportions of employed men and women with elder care responsibilities are virtually the same.

Employees with elder care responsibilities spend an average of nearly 11 hours per week providing assistance, with men and women spending equal amounts of time.

Among workers who had elder care responsibilities in the past year, more than one-third reduced their work hours or took time off to provide that care. Surprisingly, in the past year employed men with elder care responsibilities were just as likely as employed women to have taken time off or reduced their work hours to provide care.

Many employers appear to be at least informally supportive of workers who need to take time off or reduce work hours to provide elder care. However, employees in managerial and professional positions and employees with higher earnings are more able to take as much time as they need without losing pay.

Only one in four employees has access to elder care resource and referral services through his or her employer.

With today's smaller families, single-parent families, and two-career couples, the pool of able-bodied, non-employed adults available to provide elder care is shrinking just as demand for care is rising. It is not clear that anyone—employees, employers, community agencies, or government—is prepared for the substantial impact that growing elder care responsibilities will have on the labor force in coming years.

25 percent of employees—a quarter of the U.S. wage and salaried labor force—have provided elder care during the preceding year.

It is not clear that anyone—employees, employers, community agencies, or government—is prepared for the substantial impact that growing elder care responsibilities will have on the labor force in coming years.

Although no one expects employers to address the full range of issues raised by this demographic tidal wave, employers who do not anticipate the potential disruptions to their workforces will likely be taken aback by the consequences.

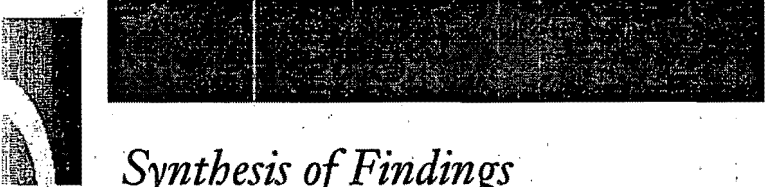
Work-Family Backlash?

Despite claims in the press and worries in the boardroom, the findings do not indicate that young, unmarried, or childless employees are more likely than other workers to resent work-family benefits that do not benefit them personally. Nor are they more likely to resent doing extra work occasionally to accommodate coworkers' family or personal needs.

In general, the demographic characteristics of individual workers bear little relationship to either their acceptance of work-family benefits that are not personally beneficial to them or their willingness to do extra work to accommodate the personal and family needs of coworkers. Rather, workplace characteristics—flexibility, supportive supervisors, good coworker relations, and supportive workplace cultures—are most predictive of employees' acceptance of work-family benefits and willingness to accommodate coworkers' needs. Thus, it would appear that employers who have made greater progress in creating person- and family-friendly work environments actually experience less work-family backlash.

To a large extent, supportive workplace factors are within the control of employers to alter, unlike the personal demographic characteristics that workers bring to the job. Although creating a highly supportive workplace environment is more challenging than simply implementing another discrete benefit or program from the top down, the challenge appears to be well worth the effort when measured by employees' attitudes and behavior on the job, ranging from less resentment of work-family benefits and greater support of coworkers to increased job satisfaction, commitment, performance, and retention.

Although creating a highly supportive workplace environment is more challenging than simply implementing another discrete benefit or program from the top down, the challenge appears to be well worth the effort.



Synthesis of Findings

The study of work and family life is relatively new. Most studies have investigated either how life on the job affects life at home or, conversely, how life at home affects life on the job.

There have been few attempts to connect it all. *The 1997 National Study of the Changing Workforce* provides a model for understanding how work, family, and personal life fit together, a model that incorporates outcomes important to all—productivity and well-being.

We are able to test this model with a nationally representative sample of the U.S. labor force. Our study design also allows us to detect trends through comparisons with the 1977 Quality of Employment Survey, providing a 20-year perspective, and with our 1992 National Study of the Changing Workforce, providing a five-year point of reference.

What have we found?

- The *quality* of workers' jobs and the *supportiveness* of their workplaces are the most powerful predictors of productivity—job satisfaction, commitment to their employers, and retention. Job and workplace characteristics are far more important predictors than pay and benefits, which are generally competitive with the marketplace. To maximize satisfaction, commitment, and retention, employers need to provide high-quality jobs—whatever the employee's occupation—and supportive workplaces—whatever the industry.

We also found that the characteristics of jobs and workplaces have important effects on the personal lives of workers.

- Employees with more difficult, more demanding jobs and less supportive workplaces experience substantially higher levels of negative spillover from work into their lives off the job—jeopardizing their personal and family well-being.

These effects set in motion a chain reaction.

- When workers feel burned-out by their jobs, when they have insufficient time and energy for themselves and their families, when work puts them in a bad mood—these feelings spill back into the workplace, limiting job performance.
- Although more supportive workplaces offer some protection against the effects of hectic and demanding jobs, not even the most supportive workplace can eliminate this problem entirely. To improve and sustain productivity over the long run, employers must not only create supportive workplace environments, but also work with employees to keep job demands in check so they do not endanger personal and family well-being. Promoting

work-life balance appears to be good both for employees and the bottom line.

So what does the scorecard tell us? Are characteristics of jobs and workplaces improving for the U.S. wage and salaried labor force? There is good news and bad news.

The good news: The quality of jobs has improved somewhat over the past 20 years, and workplaces appear to have become a bit more supportive even over the past five years. There is, however, still plenty of room for improvement.

The bad news: Jobs have become less secure. They have also become more demanding—more time-consuming and more hectic—making it increasingly difficult to achieve a balance between work and personal life.

Meanwhile, what is happening on the home front?

- The proportion of employees living in dual-earner families has increased markedly over the past 20 years, and in three-quarters of these couples, both partners work full-time. Thus, among married employees, the pooled time available for child care (if they have children) and household work is decreasing, creating additional stresses off the job.

In response to this situation, the roles of employed married men and women appear to be converging somewhat.

- Although employed married women still spend more time than men doing household chores, men's time doing household chores has increased over the past 20 years, while women's time has decreased somewhat.
- And although employed married mothers still spend more time than fathers with their children, the time that fathers spend with their children has increased over the past 20 years. The time mothers spend with their children has remained about the same despite an increase in the average hours they spend at their jobs. As a result, children appear to spend somewhat more time with their employed parents today than children 20 years ago did.

Although these role changes with respect to child care and household work appear to be positive, effective responses to the challenges facing today's families, they impose costs as well

- Employed married men and women have less time for themselves today than their counterparts did 20 years ago, and less time for oneself is associated with lower personal well-being and greater susceptibility to negative spillover from job to home.

This brings us back to work. High-quality jobs—jobs that offer autonomy, learning opportunities, meaning, and a chance to get ahead—energize employees and win their commitment. Supportive workplaces help employees be more effective workers, people, and parents. Employers who can provide these better quality jobs and supportive workplaces have a clear competitive edge.

Summary of the Report

The National Study of the Changing Workforce (NSCW) is a research program of the Families and Work Institute that surveys representative samples of the nation's labor force every five years. This report focuses on findings from the 1997 survey but also provides a historical perspective by comparing data from 1997 with data from the 1992 NSCW and from the U.S. Department of Labor's 1977 Quality of Employment Survey. Only data for wage and salaried workers who are 18 years or older are considered here. The sample sizes are 2,877 employees for 1997, 2,958 for 1992, and 1,298 for 1977.

In recent years, there has been much discussion about the relationship between workers' lives on and off the job, about changes in the nature of work and in the lives of workers, and about the fit between what is good for employers and for employees, including their families. Our study addresses many of the issues raised in this ongoing discussion, while informing it with new insights.

To guide our analyses and frame our presentation of findings, we developed a conceptual model that ties together many of the elements embodied in discussions of work and personal life. This model, outlined below, portrays hypothesized causal pathways connecting characteristics of employees' jobs and workplaces, characteristics of their lives off the job, and aspects of their personal well-being to one another, as well as to the outcomes of primary interest to employers—job satisfaction, commitment to employer, job performance, and retention—at the pinnacle of the pyramid.

The findings reported here will be of interest not only to employers, but to labor organizations, researchers in various disciplines, public policymakers, and workers everywhere whose experiences and opinions are the substance of the study.

Key findings are summarized below. First, we present descriptive information about the demographic characteristics of individual employees, the characteristics of their lives off the job, their personal well-being, the quality of their jobs, and the quality of their workplaces, as well as their job satisfaction, commitment to their employers, job performance, and plans to remain with their current employers. Then we present and discuss findings that test the conceptual model by exploring the ways in which these factors affect one another.

The findings reported here will be of interest not only to employers, but to labor organizations, researchers in various disciplines, public policymakers, and workers everywhere whose experiences and opinions are the substance of the study.

*Findings
from
Chapter 2*

The Changing Composition of the Workforce

Over the past 20 years, the U.S. wage and salaried labor force has become more balanced with respect to gender, older on average, much better educated, more racially and ethnically diverse, and more concentrated in managerial and professional occupations.

106TH CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. Dodd introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit employment discrimination on the basis of parental status, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Ending Discrimination
5 Against Parents Act of 1999".

6 **[Findings to be supplied.]**

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

9 (1) to provide a comprehensive Federal prohibi-
10 tion of employment discrimination on the basis of
11 parental status;

1 (2) to provide meaningful and effective rem-
2 edies for employment discrimination on the basis of
3 parental status; and

4 (3) to invoke congressional powers, including
5 the powers to enforce the 14th amendment to the
6 Constitution and to regulate interstate commerce, in
7 order to prohibit discrimination on the basis of pa-
8 rental status.

9 SEC. 3. DEFINITIONS.

10 In this Act:

11 (1) CHILD.—The term "child" means an indi-
12 vidual who—

13 (A) is under the age of 18; or

14 (B) is 18 or older but is incapable of self-
15 care because of a physical or mental disability.

16 (2) COMMISSION.—The term "Commission"
17 means the Equal Employment Opportunity Commis-
18 sion.

19 (3) COMPLAINING PARTY.—The term "com-
20 plaining party" means the Commission, the Attorney
21 General, or any other person who may bring an ac-
22 tion or proceeding under this Act.

23 (4) COVERED ENTITY.—The term "covered en-
24 tity" means an employer, employment agency, labor

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DISCUSSION DRAFT

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1 organization, and joint labor-management commit-
2 tee.

3 (5) DEMONSTRATES.—The term “dem-
4 onstrates” means meets the burdens of production
5 and persuasion.

6 (6) EMPLOYEE.—The term “employee” ^{means:} ~~has the~~ (a) an employee
7 ^{to whom} ~~meaning given the term in~~ section 701(f) of the Civil
8 Rights Act of 1964 (42 U.S.C. 2000e(f)), ^{(applies; (b))} and means
9 an employee to whom section 717(a) of the Civil
10 Rights Act of 1964 (42 U.S.C. 2000e-16(a)) ap-
11 plies, ^(c) a Presidential appointee or State employee to
12 ^{to whom} ~~which~~ section 302(a)(1) of the Government Em-
13 ployee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) ap-
14 plies; and ^(d) a covered employee, as defined in section
15 101 of the Congressional Accountability Act of 1995
16 (2 U.S.C. 1301) or section 401 of title 8, United
17 States Code. ^H The term “employee” includes appli-
18 cants for employment and former employees.

19 (7) EMPLOYER.—The term “employer” ^{means:}
20 (A) ~~means~~ a person engaged in an industry
21 affecting commerce (as defined in section
22 701(h) of the Civil Rights Act of 1964 (42
23 U.S.C. 2000e(h))) who has 15 or more employ-
24 ees (as defined in section 701(f) of such Act
25 (42 U.S.C. 2000e(f))) for each working day in

Use title III
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1 each of 20 or more calendar weeks in the cur-
2 rent or preceding calendar year, and any agent
3 of such a person;

4 (B) ~~means~~^e an entity to which section
5 717(a) of the Civil Rights Act of 1964 (42
6 U.S.C. 2000e-16(a)) applies; ^(C) ~~an~~ employing au-
7 thority to which section 302(a)(1) of the Gov-
8 ernment Employee Rights Act of 1991 (2
9 U.S.C. 1202(a)(1)) applies; ^(D) ~~or~~ an employing of-
10 fice, as defined in section 101 of the Congres-
11 sional Accountability Act of 1995 (2 U.S.C.
12 1801) or section 401 of title 3, United States
13 Code; and

14 ^E ~~(C)~~ does not include a bona fide private
15 membership club (other than a labor organiza-
16 tion) that is exempt from taxation under section
17 501(c) of the Internal Revenue Code of 1986.

18 (8) EMPLOYMENT.—The term "employment"
19 includes recruitment or advertisement for a job, re-
20 ferral for a job, job application procedures, hiring,
21 advancement, discharge, compensation, job training,
22 ~~[membership in a labor organization,]~~ ^g ~~OR~~ [a term,
23 condition, or privilege of membership in a labor or-
24 ganization] or any other term, condition, or privi-
25 lege of employment.

1 (9) EMPLOYMENT AGENCY.—The term “em-
 2 ployment agency” has the meaning given the term in
 3 section 701(c) of the Civil Rights Act of 1964 (42
 4 U.S.C. 2000e(c)).

5 (10) INCAPABLE OF SELF-CARE.—The term
 6 “incapable of self-care” has the meaning given the
 7 term in ~~Regulations~~ implementing section
 8 101(a)(12)(B) of the Family and Medical Leave Act
 9 of 1993 (29 U.S.C. 2611(a)(12)(B)) ~~OR [regula-~~
 10 ~~tions specified in section 825.113 of title 29, Code~~
 11 ~~of Federal Regulations (as in effect on July 1,~~
 12 ~~1993)]~~

13 (11) LABOR ORGANIZATION.—The term “labor
 14 organization” has the meaning given the term in
 15 section ^{(and (e))} 701(d) of the Civil Rights Act of 1964 (42
 16 U.S.C. 2000e(d)).

17 (12) PARENTAL STATUS.—The term “parental
 18 status” means the status of—

19 (A) a biological parent;

20 (B) an adoptive parent or a prospective
 21 adoptive parent;

22 (C) a foster parent;

23 (D) a stepparent; or

24 (E) an individual standing in loco parentis; → meant for grandparent or other

25 [Note: Does this include a legal ward?]

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1 [in relation to a child.]

2 (13) PERSON.—The term "person" has the
3 meaning given the term in section 701(a) of the
4 Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

5 (14) RELIGIOUS ORGANIZATION.—The term
6 "religious organization" means—

7 (A) a religious corporation, association, or
8 society; or

9 (B) a school, college, university, or other
10 educational institution or institution of learn-
11 ing, if—

12 (i) the institution is in whole or substan-
13 tial part controlled, managed, owned, or
14 supported by ^{particular} a religion or religious cor-
15 poration, association, or society; or

16 (ii) the curriculum of the institution is
17 directed toward the propagation of a par-
18 ticular religion.

19 (15) STATE.—The term "State" has the mean-
20 ing given the term in section 701(i) of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000e(i)).

22 **SEC. 4. DISCRIMINATION PROHIBITED.**

23 (a) EMPLOYER PRACTICES.—It shall be an unlawful
24 employment practice for an employer—

1 (1) to fail or refuse to hire or to discharge any
2 individual, or otherwise to discriminate against any
3 individual with regard to the compensation, terms,
4 conditions, or privileges of employment of the indi-
5 vidual, because of such individual's parental status;
6 or

7 (2) to limit, segregate, or classify employees or
8 applicants for employment in any way that would
9 deprive or tend to deprive any individual of employ-
10 ment opportunities or otherwise adversely affect the
11 status of the individual as an employee, because of
12 such individual's parental status.

13 (b) EMPLOYMENT AGENCY PRACTICES.—It shall be
14 an unlawful employment practice for an employment agen-
15 cy to fail or refuse to refer for employment, or otherwise
16 to discriminate against, any individual because of the pa-
17 rental status of the individual or to classify or refer for
18 employment any individual on the basis of the parental
19 status of the individual.

20 (c) LABOR ORGANIZATION PRACTICES.—It shall be
21 an unlawful employment practice for a labor organiza-
22 tion—

23 (1) to exclude or to expel from its membership,
24 or otherwise to discriminate against, any individual
25 because of the parental status of the individual;

1 (2) to limit, segregate, or classify its member-
2 ship or applicants for membership, or to classify or
3 fail or refuse to refer for employment any individual,
4 in any way that would deprive or tend to deprive any
5 individual of employment opportunities, or would
6 limit such employment opportunities or otherwise
7 adversely affect the status of the individual as an
8 employee or as an applicant for employment, be-
9 cause of such individual's parental status; or

10 (3) to cause or attempt to cause an employer to
11 discriminate against an individual in violation of this
12 section.

13 (d) TRAINING PROGRAMS.—It shall be an unlawful
14 employment practice for any employer, labor organization,
15 or joint labor-management committee controlling appren-
16 ticeship or other training or retraining, including on-the-
17 job training programs, to discriminate against any individ-
18 ual because of the parental status of the individual in ad-
19 mission to, or employment in, any program established to
20 provide apprenticeship or other training.

21 **SEC. 6. RETALIATION AND COERCION PROHIBITED.**

22 (a) RETALIATION.—A covered entity shall not dis-
23 criminate against an individual because the individual op-
24 posed any act or practice prohibited by this Act or because
25 the individual made a charge, assisted, testified, or partici-

1 pated in any manner in an investigation, proceeding, or
2 hearing under this Act.

3 (b) CORRECTION.—A covered entity shall not coerce, in-
4 timidate, threaten, or interfere with any individual in the
5 exercise or enjoyment of, or on account of the individual's
6 having exercised, enjoyed, or assisted in or encouraged the
7 exercise or enjoyment of, any right granted or protected
8 by this Act.

9 SEC. 6. OTHER PROHIBITIONS.

10 (a) COLLECTION OF STATISTICS.—The Commission
11 shall not collect statistics on parental status from covered
12 entities, or compel the collection of such statistics by cov-
13 ered entities.

14 (b) QUOTAS.—A covered entity shall not adopt or im-
15 plement a quota on the basis of parental status.

16 SEC. 7. PROOF OF VIOLATION.

17 (a) PROOF OF VIOLATION.—Subject to section 8, a
18 complaining party may demonstrate a violation of [section
19 4, 5, or 6(b)] by demonstrating that—

20 (1) a covered entity has [discriminated against
21 or taken other prohibited action against an individ-
22 ual because of that individual's parental status, as
23 described in section 4 or 6(b),] or discriminated
24 against, coerced, intimidated, threatened, or inter-
25 fered with an individual as described in section 5; or

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1 [(2) a covered entity has engaged in an act of
 2 discrimination, coercion, intimidation, threatening,
 3 or interference, or another prohibited act described
 4 in section 4, 5, or 6(b), that was motivated by pa-
 5 rental status ^{the} or an action of an individual described
 6 in section 5, even if another factor also motivated
 7 the act.]

8 (b) DISPARATE IMPACT.—The fact that an employ-
 9 ment practice has a disparate impact, as the term "dispar-
 10 ate impact" is used in section 703(k) of the Civil Rights
 11 Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of pa-
 12 rental status does not establish a violation of this Act.

13 SEC. 8. DEFENSES.

14 (a) RELIGIOUS ORGANIZATIONS.—It shall not be a
 15 violation of this Act for a religious organization to fail or
 16 refuse to hire or to discharge an individual ~~[, or otherwise~~
 17 ~~to discriminate against any individual with regard to the~~
 18 ~~compensation, terms, conditions, or privileges of employ-~~
 19 ~~ment of the individual]~~, because the parental status of the
 20 individual violates the sincerely held religious beliefs of
 21 that religious organization.

22 (b) ACTIONS IN A FOREIGN COUNTRY.—

23 (1) IN GENERAL.—It shall not be a violation of
 24 this Act for a covered entity to take any action oth-
 25 erwise prohibited under this Act with respect to an

parental sta-
 tus, or retali-
 tion, coercion
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 everyone else

1 employee in a workplace in a foreign country if com-
2 pliances with this Act would cause such entity to vio-
3 late the law of the foreign country in which such
4 workplace is located.

5 (2) APPLICATION OF ACT.—[If a covered entity
6 that is incorporated in a foreign country, and is con-
7 trolled by an entity that is incorporated in the Unit-
8 ed States, takes an action that is alleged to violate
9 this Act against an employee in a workplace in the
10 foreign country, this Act shall be presumed to apply
11 to the covered entity and the employee.]

12 (3) CONTROL.—For purposes of paragraph (2),
13 the determination of whether an entity that is incor-
14 porated in the United States controls an entity that
15 is incorporated in a foreign country shall be based
16 on the factors set forth in section 702(c)(3) of title
17 VII of the Civil Rights Act of 1964 (42 U.S.C.
18 2000e-1(c)(3)).

19 SEC. 9. ENFORCEMENT.

20 (a) ENFORCEMENT POWERS.—With respect to the
21 administration and enforcement of this Act in the case of
22 a claim alleged by an individual for a violation of this
23 Act—

24 (1) the Commission shall have the same powers
25 as the Commission has to administer and enforce—

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12

1 (A) title VII of the Civil Rights Act of
2 1964 (42 U.S.C. 2000e et seq.); or

3 (B) sections 802 and 804 of the Govern-
4 ment Employee Rights Act of 1991 (2 U.S.C.
5 1202 and 1220);

6 in the case of a claim alleged by the individual for
7 a violation of such title or of section 302(a)(1) of
8 such Act (2 U.S.C. 1202(a)(1)), respectively;

9 (2) the Librarian of Congress shall have the
10 same powers as the Librarian of Congress has to ad-
11 minister and enforce title VII of the Civil Rights Act
12 of 1964 (42 U.S.C. 2000e et seq.) in the case of a
13 claim alleged by the individual for a violation of such
14 title;

15 (8) the Board (as defined in section 101 of the
16 Congressional Accountability Act of 1995 (2 U.S.C.
17 1801)) shall have the same powers as the Board has
18 to administer and enforce the Congressional Ac-
19 countability Act of 1995 (2 U.S.C. 1301 et seq.) in
20 the case of a claim alleged by the individual for a
21 violation of section 201(a)(1) of such Act (2 U.S.C.
22 1811(a)(1));

23 (4) the Attorney General shall have the same
24 powers as the Attorney General has to administer
25 and enforce—

13

1 (A) title VII of the Civil Rights Act of
2 1964 (42 U.S.C. 2000e et seq.); or

3 (B) sections 302 and 304 of the Govern-
4 ment Employee Rights Act of 1991 (2 U.S.C.
5 1202 and 1220);

6 in the case of a claim alleged by the individual for
7 a violation of such title or of section 502(a)(1) of
8 such Act (2 U.S.C. 1202(a)(1)), respectively;

9 (5) the President, the Commission, and the
10 Merit Systems Protection Board shall have the same
11 powers as the President, the Commission, and the
12 Board, respectively, have to administer and enforce
13 [sections 451 and 452 of title 8, United States
14 Code,] [Note: This cite looks wrong.] in the case of
15 a claim alleged by the individual for a violation of
16 section 411(a)(1) of such title;

17 (6) a court of the United States shall have the
18 same jurisdiction and powers as the court has to en-
19 force—

20 (A) title VII of the Civil Rights Act of
21 1964 (42 U.S.C. 2000e et seq.) in the case of
22 a claim alleged by the individual for a violation
23 of such title;

24 (B) sections 302 and 304 of the Govern-
25 ment Employee Rights Act of 1991 (2 U.S.C.

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DISCUSSION DRAFT

S.L.G.

14

1 1202 and 1220) in the case of a claim alleged
2 by the individual for a violation of section
3 302(a)(1) of such Act (2 U.S.C. 1202(a)(1));

4 (C) the Congressional Accountability Act
5 of 1995 (2 U.S.C. 1801 et seq.) in the case of
6 a claim alleged by the individual for a violation
7 of section 201(a)(1) of such Act (2 U.S.C.
8 1811(a)(1)); and

9 (D) [section 451] of title 3, United States
10 Code, in the case of a claim alleged by the indi-
11 vidual for a violation of section 411(a)(1) of
12 such title.

13 (b) PROCEDURES AND REMEDIES.—The procedures
14 and remedies applicable to a claim alleged by an individual
15 for a violation of this Act are—

16 (1) *For individuals who are employees un-*
~~the procedures and remedies applicable for~~
17 ~~a violation of title VII of the Civil Rights Act of~~
18 ~~1964 (42 U.S.C. 2000e et seq.) in the case of a~~ *the procedures are*
19 ~~claim alleged by the individual for a violation of such~~ *remedies*
20 ~~title;~~ *available*
under

21 (2) *For individuals who are covered by*
~~the procedures and remedies applicable for~~
22 ~~a violation of section 302(a)(1) of the Government~~
23 ~~Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1))~~ *the proce*
24 ~~in the case of a claim alleged by the individual for~~ *does an*
25 ~~a violation of such section;~~ *remedie*
availabl
under

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~~1202~~
~~1220~~
~~302~~

15
1 (3) ~~For individuals covered by~~
2 ~~the procedures and remedies applicable for~~

3 a violation of section 201(a)(1) of the Congressional

4 Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), in

5 the case of a claim alleged by the individual for a

6 violation of such section; and

7 (4) ~~For individuals covered by~~
8 ~~the procedures and remedies applicable for~~

9 a violation of section 411(a)(1) of title 8, United

10 States Code, in the case of a claim alleged by the

11 individual for a violation of such section.

12 (c) ~~ADDITIONAL REMEDIES. Notwithstanding any~~

13 ~~limitation on the remedies specified in subsection (b), and~~

14 ~~In addition to the remedies specified in subsection (b), any~~

15 covered entity who violates this Act shall be liable for such

16 compensatory or punitive damages as may be appropriate,

17 except that neither a State nor the United States shall

18 be liable for punitive damages.

19 (d) ~~OTHER APPLICABLE PROVISIONS.~~—With respect

20 to a claim alleged by a covered employee (as defined in

21 section 101 of the Congressional Accountability Act of

22 1995 (2 U.S.C. 1301)) for a violation of this Act, title

23 III of the Congressional Accountability Act of 1995 (2

24 U.S.C. 1381 et seq.) shall apply in the same manner as

25 such title applies with respect to a claim alleged by such

a covered employee for a violation of section 201(a)(1) of

such Act (2 U.S.C. 1311(a)(1)).

the procedures and remedies applicable

the procedures and remedies applicable

1 SEC. 10. STATE AND FEDERAL IMMUNITY.

2 (a) STATE IMMUNITY.—A State shall not be immune
3 under the 11th amendment to the Constitution from an
4 action in a Federal court of competent jurisdiction for a
5 violation of this Act.

6 (b) REMEDIES AGAINST THE UNITED STATES AND
7 THE STATES.—Notwithstanding any other provision of
8 this Act, in an action or administrative proceeding against
9 the United States or a State for a violation of this Act,
10 remedies (including remedies at law and in equity, and
11 interest) are available for the violation to the same extent
12 as the remedies are available ^{against} ~~for a violation~~ of title VII
13 ~~of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)~~
14 ~~by~~ a private entity, except that punitive damages are not
15 available.

16 SEC. 11. ATTORNEYS' FEES.

17 Notwithstanding any other provision of this Act, in
18 an action or administrative proceeding for a violation of
19 this Act, an entity described in section 9(a) (other than
20 paragraph (4) of such section), in the discretion of the
21 entity, may allow the prevailing party, other than the
22 United States, a reasonable attorney's fee (including ex-
23 part fees) as part of the costs. The United States shall
24 be liable for the costs to the same extent as a private per-
25 son.

1 SEC. 12. POSTING NOTICES.

2 A covered entity shall post notices for employees, ap-
3 plicants for employment, and members, to whom the provi-
4 sions specified in section 9(b) apply, that describe the ap-
5 plicable provisions of this Act in the manner prescribed
6 by, and subject to the penalty provided under, section 711
7 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-10).

8 SEC. 13. REGULATIONS.

9 (a) IN GENERAL.—Except as provided in subsections
10 (b), (c), and (d), ^{below} the Commission shall have authority to
11 issue regulations to carry out this Act.

12 (b) LIBRARIAN OF CONGRESS.—The Librarian of
13 Congress shall have authority to issue regulations to carry
14 out this Act with respect to employees of the Library of
15 Congress.

16 (c) BOARD.—The Board referred to in section 9(a)(3)
17 shall have authority to issue regulations to carry out this
18 Act, in accordance with section 304 of the Congressional
19 Accountability Act of 1995 (2 U.S.C. 1384), with respect
20 to covered employees, as defined in section 101 of such
21 Act (2 U.S.C. 1301).

22 (d) PRESIDENT.—The President shall have authority
23 to issue regulations to carry out this Act with respect to
24 covered employees, as defined in section 401 of title 3,
25 United States Code.

1 **SEC. 14. RELATIONSHIP TO OTHER LAWS.**

2 This Act shall not invalidate or limit the rights, rem-
3 edies, or procedures available to an individual claiming
4 discrimination prohibited under any other Federal law or
5 any law of a State or political subdivision of a State.

6 **SEC. 15. SEVERABILITY.**

7 If any provision of this Act, or the application of the
8 provision to any person or circumstance, is held to be in-
9 valid, the remainder of this Act and the application of the
10 provision to any other person or circumstance shall not
11 be affected by the invalidity.

12 **SEC. 16. EFFECTIVE DATE.**

13 This Act shall take effect 60 days after the date of
14 enactment of this Act and shall not apply to conduct oc-
15 ccurring before the effective date.

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DRAFT FINDINGS

The Congress finds that:

- Title VII of the Civil Rights Act of 1964 prohibits employment discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of sex; the Americans with Disabilities Act prohibits discrimination against parents to the extent that such discrimination constitutes discrimination on the basis of disability; the Family and Medical Leave Act imposes certain requirements with regard to leave; [etc.; add other statutes.];
- Nothing in this law is intended to affect the interpretation of these statutes;
- Despite the provisions of these statutes, individuals are not protected to the extent that employment discrimination against them is based solely on their status as parents;
- Such discrimination occurs where, for example, employers refuse to hire both men and women who have, or plan to have, children, based on stereotypes and assumptions about such individuals' level of commitment to the work force;
- Such discrimination has occurred in the work place and has been largely unremedied;
- The Congress has authority to address such discrimination under its power to enforce the requirement for equal protection of the laws under the Fourteenth Amendment to the United States Constitution; and
- The Congress intends to exercise that authority in enacting this law.

*giving #s of parents
who are why*

*- We could add #s of parents in
white
- single parents etc.*

DISCUSSION POINTS ON DRAFT BILL ON PARENTAL STATUS DISCRIMINATION

Section 3: Definitions

✓ **Child:** Current definition extends beyond traditional parent/child relationship. Was this the intent?

define parent & child

✓ **Employee, Employer:** Language changes suggested to enhance clarity.

• **Employment:** New proposed language is preferable.

STILL? 7
→ benefit?

• **Incapable of self-care:** New proposed language is preferable.

• **Parental status:**

- As currently drafted, could include those who are caretakers for, e.g., incapacitated elderly relatives. Was this the intent?
- Whom is "in loco parentis" intended to cover? Should a functional definition – e.g., "those who have day-to-day responsibilities to care for and financially support a child" -- be substituted?
- Is inclusion of "prospective adoptive parents" too broad?
- Should people be protected only when they have caretaking responsibilities?
- Should language be revised to state that parental status means "having the status of" a biological parent, etc.?

Section 4: Discrimination Prohibited

- **Benefits:** Not currently mentioned explicitly in the draft, and thus will presumably be handled according to standard Title VII principles. Was this the intent?

Section 7: Proof of Violation

- **First paragraph:** Why are there brackets around the first clause?
- **Second paragraph:** Language changes suggested to track Title VII mixed motives language.

Section 8: Defenses

- **Religious Organizations:** Terms and conditions discrimination not included in section because organizations are not authorized to discriminate in, e.g., benefits or pay, once they have decided to hire an individual.
- **Actions in a Foreign Country:** Should language be modified to track Title VII?

Section 9: Enforcement

- **Procedures and Remedies:** Language changes suggested to enhance clarity.
- **Additional Remedies:** Language changes suggested to enhance clarity.

Section 10: State and Federal Immunity

- **Remedies against the United States:** Language changes suggested to enhance clarity.

Section 11: Attorneys' Fees

- Which entities are intended to be able to award attorneys' fees, and in what circumstances?

Section 15: Severability

- ▶ This language goes further than the standard severability clause. Was this the intent?

Rally for Teacher Who Says Pregnancy Hurt Tenure Bid

By DAVID M. HALBFINGER

ELMONT, N.Y., April 27 — More than 200 teachers and students, carrying signs with "Justice for Kathy" in red letters, rallied outside a school board meeting tonight in support of a teacher who says she is being denied tenure because she got pregnant.

The teacher, Kathleen V. Williamsen, said in an interview earlier today that her fellow high school teachers had warned her: the principal at Elmont Memorial hates the disruption caused when young teachers leave classes in midyear, hates scrambling to find qualified substitutes, hates how teachers-turned-mothers no longer stay after school for hours giving extra help or supervising student activities.

But life happens. Mrs. Williamsen, 30, of Lynbrook, now has a 6-week-old daughter, Colleen. An art teacher at Elmont Memorial, a junior and senior high school just over the Queens line in Nassau County, Mrs. Williamsen said she had enjoyed generally excellent performance reviews until last fall, the start of her third year. In August, she married Gerard Wil-

*Love, marriage and
a baby carriage, but
no happy ending.*

liamsen, 29, a tenured science teacher at H. Frank Carey High School, also in the Sewanhaka Central High School District. Thirteen days later, despite using birth control, they learned she was pregnant.

Mrs. Williamsen said she reluctantly told the principal, Diane Scricca, that she was expecting. A week later, she received an "unsatisfactory" rating for the first time — the first of four critical reviews over the next month and a half. Mrs. Williamsen said colleagues told her the school was creating "a paper trail."

And in January, the president of the local union, Matt Jacobs, said he was told by Ms. Scricca that Mrs. Williamsen would not be receiving tenure, though the district denies a final decision has been made.

Mrs. Williamsen, who is on maternity leave, said she was convinced she will be fired after she finishes her last probationary semester in the fall. "One unsatisfactory review is enough," she said. "Nobody gets

hired with three or four."

Ms. Scricca, the principal, declined to comment. The district superintendent, George Goldstein, said of the protesters: "They are misguided. We have never discriminated against anybody." He declined to elaborate, saying state law prohibits school officials from discussing personnel matters. A lawyer for the school district, Douglas Libby, did not return repeated calls.

The dispute is a throwback to more prudish days, said Michael D. Simpson, assistant general counsel for the National Education Association, the union that represents teachers here. "There used to be contracts that teachers would sign where they agreed not to get pregnant," he said. "The thought was, you didn't want students to see that teachers actually get pregnant, because they might ask how they got pregnant."

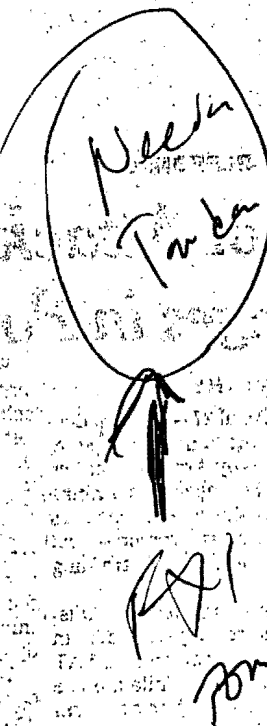
Such worries seem quaint now. But school administrators still discriminate for other reasons, some teachers and union officials say. On Long Island and other places where teaching jobs are tough to get, they say, many women interviewing for jobs avoid mentioning that they have or might want children anytime soon.

All this flies in the face of the 1978 Pregnancy Discrimination Act, a Federal law that made it illegal to fire or refuse to hire a pregnant woman or compel her to take maternity leave, said Mary Murphree, regional administrator of the women's bureau of the United States Department of Labor. "Young women are going to get pregnant," she said. "It's inconvenient for all employers to deal with this. This is so discriminatory, it's preposterous."

Nationally, just 4,299 women filed complaints of pregnancy discrimination with the United States Equal Employment Opportunity Commission last year. But advocates say the problem is far wider. Martha F. Davis, a lawyer at the NOW Legal Defense and Education Fund, said many new mothers are reluctant to start legal action.

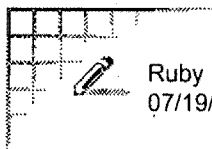
Teachers at Elmont Memorial say that Ms. Scricca's unhappiness with the frequency of staff pregnancies was legendary. A year ago, Mrs. Williamsen said, one skit in the annual faculty-student "foillies" featured Ms. Scricca chasing down pregnant teachers.

The case has galvanized many of the district's 500 teachers. Tonight's meeting at Sewanhaka High School was the second time her supporters have turned out in force.



The New York Times

WEDNESDAY, APRIL 28, 1999



Ruby Shamir
07/19/99 08:36:45 PM

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Subject:

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USA TODAY

April 22, 1999, Thursday, FINAL EDITION

SECTION: NEWS;

Pg. 14A

LENGTH: 373 words

HEADLINE: Working parents unprotected

BYLINE: Bruce Reed

BODY:

As President Clinton said in his State of the Union address, it should be against the law to discriminate against workers just because they're parents.

But right now, in most states, parental discrimination is perfectly legal. Just ask Joann Trezza, a New Jersey mother of two who was passed over for promotion by employers who allegedly complained that working mothers don't do either job well. A federal judge ruled that current laws offer her no protection as a parent against such discrimination.

Trezza is not alone. In response to this concern, a handful of states -- including Michigan, Pennsylvania and Alaska -- have adopted laws to prohibit employment discrimination against parents.

Soon the president will send Congress legislation, sponsored by Sen. Chris Dodd, D-Conn., to protect all parents from discrimination at work. It would prohibit employers from refusing to hire or promote mothers and fathers out of some belief that parents don't make good workers. No one should be denied a job just because he or she is a parent.

The bill is narrowly tailored to cover only cases of overt discrimination against a parent. It would not affect hiring and promotion decisions made on the basis of job performance. If a parent can't put in the hours or doesn't measure up, this legislation won't help them.

Some business lobbyists have tried to claim that, on the one hand,

discrimination against parents doesn't exist and, on the other, this bill would unleash a flood of litigation. The truth is, if employers don't discriminate, this bill won't cost them a penny. Working parents don't have time to file frivolous lawsuits.

Others say that even though there have been a number of these instances, we shouldn't prohibit parental discrimination unless it's rampant. But surely, outright discrimination against any parent is wrong and should be stopped, no matter how many cases have been brought so far.

Nearly 50 million Americans are working parents -- more than at any time in our history. We should do all we can to honor parents, not punish them, for choosing to raise a family. If this Congress is truly pro-family, it will approve this legislation in a heartbeat.

1ST STORY of Level 1 printed in FULL format.

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Los Angeles Times

April 17, 1999, Saturday, Home Edition

SECTION: Part A; Page 20; National Desk

LENGTH: 1093 words

HEADLINE: JOB PROTECTIONS FOR PARENTS DEBATED;
LABOR: CLINTON TO PROPOSE LAW BANNING DISCRIMINATION AGAINST THOSE WITH
CHILDREN. BUT SOME SAY THERE IS NO NEED FOR SUCH A MEASURE.

BYLINE: MELISSA HEALY, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

After her first child's birth, Diana Piantanida had planned to join the legions of Americans who juggle paid work and parenthood. But two weeks into her maternity leave, the St. Louis woman learned that she would be returning to her employer to fill what her boss allegedly called "a job a new mom could handle"--at half the pay and much less responsibility.

Piantanida cried foul, charging that her employer was discriminating against her because she was a parent. But in the five years since she took the Wyman Center of St. Louis to court, judge after judge has effectively shrugged and told her that her boss had done nothing wrong. "There was no protection whatsoever for me," Piantanida says now.

In 42 states, including California, there is no explicit protection for workers who believe that their employers have treated them unfairly because they have children. And many employers--even those who compete to be recognized as "family friendly"--do not want any.

"It would provide a weapon for poorly performing employees to use improperly," said Angel Gomez III, an employment-law attorney based in Century City.

In the next few weeks, President Clinton plans to enter the debate by introducing legislation in the Senate that would outlaw workplace discrimination against parents.

In part, Clinton's calculus is political. With Democrats and Republicans competing to be seen as champions of working families, Clinton's proposed legislation could become a rallying cry for Democrats and pose a dilemma for many Republicans. In the 2000 elections when both parties will be wooing an army of "soccer moms," standing for parental rights is a natural for Democrats--and a temptation for Republicans.

Los Angeles Times April 17, 1999, Saturday,

Clinton is also betting on support from social conservatives who often feel that their commitment to families hurts them in the workplace.

The merging of odd political alliances, "is classically Clintonesque," said Democratic pollster Celinda Lake.

Need for Legislation Is Challenged

Some employment experts question the need for legislation. Susan Meissenger of the American Society of Human Resources Managers, called such protections "a solution in search of a problem."

With the labor market tight, and expected to stay that way for years to come, employers are working overtime to make their workplaces more family friendly, she said. In addition to tying personnel managers up in more red tape, she added, "all this does is make politicians feel good."

However, if business-oriented Republicans oppose legislation, Lake warned, they probably will be seen as anti-family. And they could pay dearly for it at the polls, as President Bush did when he twice vetoed a bill requiring employers to offer unpaid leave to parents of newborns or workers caring for sick relatives.

The Family and Medical Leave Act, the first bill Clinton signed into law when he took office in 1993, has proved extremely popular with working families. Derided at the time as a toothless sop to special interests, it has enabled thousands of Americans to stay home when family illness or birth required it--even if they had to do so without a paycheck.

Some family law experts think that the proposed Parental Discrimination Bill could provoke a similar response.

Although few workers currently charge that they have faced discrimination because they are parents, Donna Lenhoff of the National Partnership for Women and Families argued that may be because such protections are not explicitly contained in civil rights law. If such a bar were clarified by legislation, Lenhoff and others believe, more parents would come forward.

But for all the political appeal of a parent-discrimination statute, attorneys who specialize in employment law said that complainants will not be coming out of the woodwork any time soon. Proving parental discrimination would remain difficult even with an explicit prohibition in place.

And beyond that, employment specialists maintain, it just does not happen very often.

"Obviously it makes for a sexy campaign topic, but in California, there doesn't seem to be a need from an employee's side," said Gomez, the Century City attorney.

Years ago, demonstrating such discrimination might have been easier, at least for women. Many companies explicitly excluded mothers of small children from certain positions, such as those requiring travel or lots of extra hours. Today, few companies do so openly, and many employers have sought to accommodate those who juggle work and family responsibilities with flexible new policies on,

Los Angeles Times April 17, 1999, Saturday,

among other things, sick leave, work hours and use of compensatory time.

Lenhoff acknowledged that a law protecting parents may be used infrequently, but drew a different conclusion from that of employer representatives like Meissenger.

"If it isn't really a problem, if these kind of underlying stereotypes don't motivate employers' decisions, then why does it hurt to prohibit it, in case there are six people out there who do retain those stereotypes?" she asked. "It seems like an important principle."

Fathers Might Benefit From Proposed Law

With men getting more involved in their children's care, New York employment attorney Steven Eckhaus said, he can easily envision more fathers alleging workplace discrimination in the future.

For now, however, Eckhaus said women would probably benefit most from the proposed law.

He represents Joann Trezza, a New York-based insurance attorney and mother of two children, 6 and 11 years old. Trezza has taken her employer, the Hartford Financial Services Group, to court, charging that she has been passed over repeatedly for promotion in favor of less-qualified employees who are either men or childless women.

In Trezza's complaint, she cites comments by senior attorneys in Hartford's legal department that disparaged the job performance of working mothers generally. In one comment--denied by its alleged source--one of her bosses opined at a business dinner that "women are not good planners, especially women with kids."

But Trezza's case may well be as difficult as Piantanida's was five years ago. "Parenthood is not a protected class under Title VII," wrote U.S. District Judge Michael Mukasey in a December ruling limiting the scope of the trial against Hartford.

Trezza has declined to comment on the case, which is still pending. But Piantanida said that she knows what it feels like when parenthood costs you a job.

"I was all alone. Everywhere I turned I felt like I was hitting brick walls."

LANGUAGE: English.

LOAD-DATE: April 17, 1999