

Avoiding Caregiver Discrimination and Helping Your Bottom Line

The Equal Employment Opportunity Commission (EEOC) recently supplemented its 2007 guidelines for accommodating employees who may have caregiving responsibilities, in an effort to reduce EEO violations. Accommodating employees who need flexibility in scheduling in order to care for loved ones may help reduce payroll costs and create a more productive work environment.

The EEOC publication, called “Employer Best Practices for Workers with Caregiving Responsibilities,” includes suggestions to proactively diffuse situations from which caregiver discrimination claims generally arise. Here are some of the EEOC’s recommendations:

- Develop and enforce a strong policy against discrimination. The more transparent a company’s employment decisions are, the less likely that you will receive complaints. Decisions on hiring, promoting, and laying off should be based on a company’s economics, not on gender stereotyping or accommodation needs of certain employees. Does your interviewing process subconsciously consider who is more likely to be or become caregivers? According to the National Alliance for Caregiving and AARP, 39% of caregivers are male.
- Invest time in training. The EEOC suggests comprehensive training for managers on federal laws and regulations, including the Americans with Disabilities Act, the Equal Pay Act, the Pregnancy Discrimination Act, Title VII of the Civil Rights Act, the Family and Medical Leave Act (FMLA), and other key laws. Part of the training should involve giving managers and others involved in hiring examples of unacceptable yet unrecognized discriminatory behaviors. Companies should also have and implement procedures for investigating complaints and preventing the recurrence of violations, and should design those in a manner that deters retaliatory action against those who make good-faith complaints. An-other suggestion is to incent managers who comply with the laws.
- Look at your company policies objectively. Are fixed work hours mandatory, or could you accommodate caregiver schedules without sacrificing efficiency or productivity? Accommodations could include compressed weeks, telecommuting, part-time, or job-sharing options. Schedule overtime shifts well in advance, and solicit volunteers for these shifts.
- Develop personnel. Gear challenging, promotion-building tasks to those who qualify, regardless of the time they spend in the office. If appropriate, make training available to affected employee on medical leave. Be creative.

In addition to information available on the EEOC’s website, the Families and Work Institute, established in 1989, offers a forum for companies to discuss creative management ideas which integrate caregiver accommodation with budgeting plans during this challenging economy. Though each of the companies offers different ideas, one thing is certain: if you can accommodate employees with valid requests, they will be happier and more productive.

For more information about compliance with the EEOC guidelines and in-house personnel training, please contact Joëlle Khouzam, Brigid Heid, or your CPM attorney.