



BOSTON LIGHTHOUSE, Little Brewster Island, outer Boston Harbor. Station established in 1716; Current lighthouse tower built in 1783

Kimball Brousseau LLP

One Washington Mall, 7th Floor
Boston, MA 02108
(617) 367-9449 Tel.
(617) 367-9468 Fax
jbrousseau@kbattorneys.com
nkimball@kbattorneys.com

Next week Justine & Nina will be featured speakers at the Boston Bar Association's "Employment Law Basics" program. The program's curriculum is based on the BBA's *EMPLOYMENT LAW GUIDE: A Practical Guide to Understanding Massachusetts Employment Law*, which has just been updated. Justine is a contributing author & Nina is the editor of the *Guide*.

This program has been designed for attorneys who want to develop an employment practice; in-house counsel, corporate counsel, & business counsel advising clients facing employment law issues; and human resources professionals.

Program topics will include:

- Laws Affecting the Workplace
- Hiring Considerations & Practices
- Managing the Employment Relationship
- Investigations Into Complaints of Harassment
- Employee Leaves Of Absence
- Approaches to Discipline
- Managing the Termination Process
- Post Termination Considerations & Issues

CATCHING UP WITH OUR CLIENTS . . .

EEOC PROVIDES GUIDANCE ON HOW EMPLOYERS SHOULD TREAT EMPLOYEES

WITH FAMILY CAREGIVING RESPONSIBILITIES. In February, the Equal Employment Opportunity Commission held a public meeting to address what it has identified as one of the biggest areas of discrimination in the 21st century: discrimination against employees with caregiving responsibilities, which covers pregnant employees, mothers and fathers taking care of children, and employees taking care of disabled and elderly relatives. The EEOC has developed guidelines for employers to identify and address the types of conduct that might constitute unlawful discrimination against caregivers based on characteristics protected by federal anti-discrimination laws. According to the EEOC, effective policies and practices that address caregiver protections under the law should:

- Define relevant terms, including "caregiver" & "caregiving responsibilities."
 - Provide an inclusive definition of "family" that extends beyond children and spouses and covers any individual for whom the applicant or employee has primary caretaking responsibilities.
- Describe common stereotypes or biases about caregivers that may result in unlawful conduct, including:
 - assuming that female workers' caretaking responsibilities will interfere with their ability to succeed in a fast-paced environment;
 - assuming that female workers who work part-time or take advantage of flexible work arrangements are less committed to their jobs than full-time employees;
 - assuming that male workers do not, or should not, have significant caregiving responsibilities;
 - assuming that female workers prefer, or should prefer, to spend time with their families rather than time at work;
 - assuming that female workers who are caregivers are less capable than other workers; and
 - assuming that pregnant workers are less reliable than other workers.
- Provide examples of prohibited conduct related to workers' caregiving responsibilities, such as:
 - asking female applicants and employees, but not male applicants and employees, about their child care responsibilities;
 - making stereotypical comments about pregnant workers or female caregivers;
 - treating female workers without caregiving responsibilities more favorably than female caregivers;
 - steering women with caregiving responsibilities to less prestigious or lower-paid positions;
 - treating women of color who have caregiving responsibilities differently than other workers with caregiving responsibilities due to gender, race and/or national origin-based stereotypes;
 - treating male workers with caregiving responsibilities more, or less, favorably than female workers with caregiving responsibilities;
 - denying male workers', but not female workers', requests for leave related to caregiving responsibilities; and
 - providing reasonable accommodations for temporary medical conditions but not for pregnancy.