Podcast

Building a More Empathetic Workplace

By Felice B. Ekelman & Stephanie J. Peet

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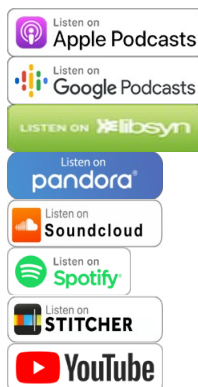
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Details

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Takeaways

As a result of COVID-19, large numbers of women are leaving the workplace — reducing hours or taking on less responsibility in order to balance the tension between employee and caregiver. The impact is staggering. If women are not in the workplace today, they cannot be leaders in the workplace tomorrow.

What Employers Need to Know

- 2020 has reminded employers and employees that caregiving responsibilities still disproportionately fall on women. Many women have left the workplace or scaled back hours and responsibilities during the pandemic to balance the demands of caregiver and employee.
- To the extent that women are returning to the workplace, they may not return to the same job or hours previously worked.
- In order to attract and retain women and caregivers, employers should recognize and address the perceived stigma associated with an employee sharing challenges or struggles for fear of negative impact. That stigma extends to the use of benefits including:
  - FMLA
  - Family and/or Parental Leave
  - Disability Leave
  - Non-FMLA leaves of absence
  - Reduced/modified schedule
  - Use of the company's EAP program

- To overcome this perceived stigma, employers need to:
  - Review benefit offerings and ensure they address their workforce's needs; and
  - Articulate policies clearly so employees understand what options are available.
- De-stigmatizing the use of benefits starts at the top. Leaders should:
  - Communicate the importance of work/life balance;
  - Model flexibility in their own lives;
  - Express support for employees and their mental health; and
  - Have a protocol in place to address any stigma before and after a leave is taken.
- Employers should:
  - Check in with employees on their availability and respect their time, additional obligations.
  - Set expectations in emails and other communications about response times.
  - Clearly communicate whether certain job functions can include remote work options.
  - Consider unconscious bias training to avoid managers taking measures that might have a disparate impact despite the best of intentions.
- Employers who embrace a more flexible workplace will encourage and retain more productive, happier employees.

Transcript

Alitia (00:06):

Welcome to Jackson Lewis' podcast, We get work™. Focused solely on workplace issues everywhere and under any circumstances, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate a workforce that is engaged, stable, and diverse. Our podcast identifies the issues dominating the workplace and its continuing evolution, and helps answer the question on every employer's mind, "How will my business be impacted?" To say that the pandemic has taken its toll on employers and employees is an understatement. And that toll will not likely be fully measured for years to come. What is becoming clear already is that women employees have faced and continue to face a more significant burden. In some cases upwards of 15 hours per week of an additional job that involves care of children and other family members.

This episode of We get work™ explores these issues, how employers can help retain women employees, ensure equal opportunity for advancement, and lead by example, to create a post pandemic workplace where employees feel safe and supported. Back at the We get work™ podcast mic today, are Felice Ekelman and Stephanie Peet, principals respectively in the New York City and Philadelphia offices of Jackson Lewis. In addition to providing legal counsel to their clients on issues facing women employees, they can speak from personal experience over the past year, attempting to follow their own advice in their professional and personal lives. Felice and Stephanie, the question on everyone's mind today is, what can employers do to ensure all employees have equal opportunities and support, now and in a post pandemic work environment? And if not, how will that impact my business?

Felice Ekelman (02:02):

Stephanie, for months you and I have been talking about the impact of the pandemic on parents and caregivers and disproportionately on women trying to navigate work obligations and the obligations that they have to their families. And we are finally finding a few minutes to talk to our listeners about this issue and what employers can do to address what's become well identified, decrease in the number of women in the workplace, because they've had to take a break from work in order to address their other obligations. So this morning you and I are going to have a conversation finally about this. One of the things we've been doing is we've both been reading a lot about the tension between being a good caregiver or parent and a good employee. And that's a problem both men and women have been faced with, but the data indicates that the burden of caregiving tends to fall on women disproportionately.

So we are seeing a significant impact on women in the workplace, either because women are leaving the workplace or because women are downgrading and taking a step back on their careers to reduce hours or take on less responsibility. And now that the pandemic is finally feeling as if it's going to ease up, this is a good time for employers to address the impact of this and to take affirmative steps. So I think we should first talk about why it is that women have left the workplace in droves, or taken a step back. And what it means for employers, but also mostly what I'd like to talk about is what employers can and should be doing to address this issue.

Stephanie Peet (04:05):

Yeah, Felice. So the stressors are not limited just to mothers specifically, or even parents, but there is a massive, massive increase in the caregiving responsibilities at home and at work. And that might jeopardize the women's ability to stay in the workplace and progress. Those stressors, we're talking about homeschooling right. In September I think 80% of the kids went back to school, but a lot of that was still in a remote environment or at least the hybrid. Everyone still had to do the shopping, the cooking, the cleaning, the taking care of the kids, taking care of the parents in the household. There was a lot of additional responsibilities. There's been a lot of massive reporting on this, and just quoting from that, 40% of mothers, and that compares to 20% of fathers have added three or more additional hours of caregiving to a schedule. So if it's three more hours a day, that's 15 hours a week, that's a part-time job.

It is not terribly surprising that what we have seen was largely mothers leaving the workplace in droves. And the numbers show a pretty tough journey for women, not only during the pandemic, but through the recovery. Again in February of 2020, so right before the pandemic hit, the unemployment percentages for men and women were pretty average, pretty on target. But as the pandemic went further, women were clearly unemployed in much larger ratios than men. By September when schools went back 80% of the over one million people that left the workplace, Felice, were women. Back in December, so just a few months ago, women accounted for all of the net job losses, and men, they were achieving some job gains. And today unemployment for women remains almost two percentage points higher than pre-pandemic level. So what we're seeing is women may be returning to the workplace.

I think the return is going to be slow. I think it may be a little bit misconceived, because women, to the extent that they're returning, they might not be doing it to the job that they previously held or to the hours that they previously held as well. So the impact is fairly staggering. And again, according to these massive studies, Felice one in four women in corporate America are considering downshifting their careers. So this is a problem. It is a situation that employers need to get their arms wrapped around and figure out solutions. We're going to talk about some of those today, but in the research, one of the things, I don't think I quite frankly appreciate it, until I was doing a lot of this research is, the slow risk of women returning to the workplace means there's going to be a widen on representation of women in managerial positions. So what does that mean? If women are not in the workplace today, they are not going to be leaders in the workplace tomorrow. They need to be in the pipeline today to be able to climb that ladder tomorrow.

So employers really need to spend energy and a focus on making sure we get women back to the workplace, keep women in the workplace so we can continue the climb that we were seeing and have women become part of the C-suite and other higher levels within the company.

Felice Ekelman (07:36):

So what is an employer to do? Because after all of this reading that you and I have done and all of the talking we've had over the past year, I think we both agree that this is not a situation where it can be corrected organically. I think we both agree that employers have to recognize the issue, and by the issue I think we're talking about recognizing that employees are not comfortable sharing their challenges with employers, because they are afraid of being stigmatized if they admit to having challenges. And that stigma extends to fear of using benefits. And we're going to talk about that further, but I think this is the time, and I think the focus of what we're going to be suggesting to our listeners is, this is the time for employers to make a true, meaningful change in their approach to addressing the issue so that employees can be encouraged to stay engaged and not leave the workplace, and the more modern employer will be able attract a higher quality workforce. So that would be a positive outcome.

So I think the first step in addressing this issue is to look at existing benefits and policies. And most employers are governed by state and local laws that require that they have a certain number of leave policies. We all know about the family medical leave. There are increasing numbers of paid family leaves that have been legislated by state and local governments, but employers need to look at their suite of offerings and make sure that they make sense, that they dress the needs of their workplace and that employees understand what the options are. I think a lot of policies are written in a way that are not necessarily clear to employees. And before we get to the stigma of, should I avail myself of one of these leaves, I think employees need to first understand what is available.

So there are paid leaves and there are unpaid leaves, and not every employer can offer generous paid leaves, but certainly unpaid leaves where employees don't lose any benefits as a result of being on a leave. For example, that they don't lose seniority, that they don't lose the opportunity for good assignments and promotions

when they return from a leave. These are all policies that employers need to communicate to employees and ensure that employees understand them. So what about this stigma, Stephanie? How do employers de-stigmatize the use of taking time and taking a step away from the workplace that's temporary?

Stephanie Peet (10:56):

I think de-stigmatizing taking leave and asking for help is so important right now. And I think it's going to start at the top. There's no magic recipe for this, but I certainly have some suggestions that I think employers should strongly consider and do what works for them. But to the extent, first off, I think leaders should communicate to the employees the importance of that work-life balance, that we support you, that we care about you, we care about your mental health, and do their best and their part in de-stigmatizing any requests for a leave, any need for a leave or anything associated quite frankly, Felice with flexibility. So I think it starts with the leaders communicating that this is available, that we take this seriously, if it's important for your mental health, it's important to the work-life balance. And again, I think it starts there.

But better yet, I think leaders should lead by example, model flexibility in their own lives. And that will send a message to the employees that, "Okay, flexibility is accepted. Flexibility is okay, it's encouraged, and the company is supportive." To the extent there's a leader in the company, Felice that takes the leave, that embraces this flexibility in this time, the company should embrace that. The company should applaud that and amplify those types of situations. Employees will see that and they will say to themselves most likely, "Hey, if he or she can do it and it's supported and it's okay, I can do it too." And I think, again, communication and getting leader involvement and leader support will go a long way in de-stigmatizing. But I also think, Felice, there's there's stigma in two parts. One is actually taking the leave, the other is in returning. And I think we need to again, include the managers in that part as well.

Have leaders, have the managers reach out to the employees when they're returning back to work and asking those three words, "How are you?" And being genuine in that and checking in with those employees, making sure they're okay, letting them know the company's not going to punish them for taking that leave that they needed. The company recognizes that we're going to do what we need to do in the short term so we can keep you here as a productive, loyal employee in the longterm. So de-stigmatizing I think is incredibly important. Again, I don't think there is a one size fits all approach, but I think in many instances it's going to start from the top and it's going to be communication. And I think it's going to be using our own conduct and our own actions to show our employees, do what you need to do under these circumstances so we can support you, keep you, and grow you on more of a long-term basis.

Felice Ekelman (13:57):

And I think, Stephanie, there should be a protocol for employers to address that stigma before and after a leave is taken. So for example, if an employer has a parental leave policy, again with or without pay or perhaps partial pay, and an employer knows that an employee just had a child and the leave is not being taken

in whole or in part, the protocol should be, "Hey, you know, you have this benefit, you should take it. Why aren't you taking your six months of leave or six weeks of leave or whatever it is that the policy is offering and remind employees in the moment that it's there and encourage them to take it?" The same thing in terms of the return. I think you're absolutely right on the way back and making sure that employees don't feel that they have some kind of a penalty because they used a leave and took time away from the workplace to provide care to a family member.

So I think those are two really, really good points. The other thing I want to talk about is this thing that we've been perhaps experiencing ourselves, but certainly reading about is with the advent of increased remote work, where people get up in the morning and walk two steps to a desk in a bedroom, you feel like you always have to be present and you feel like you will be criticized if you're not present all the time. And I think this is another example of where leaders can display best practices, as simple as saying to staff, "Look, from six to 8:30, that's my family time. I'm not going to look at my email. I'm not going to respond to anything. And I want you to respect this family dinner time."

And or maybe I shut off at 8:30 or six o'clock for the evening at some times. And so employees also don't feel compelled to always be checking in and concerned that if they don't respond immediately, that they will be viewed as less than engaged. I think that is an important way in which leaders can display what you're talking about, which is lead by example.

Stephanie Peet (16:24):

Yeah, I think you're spot on, Felice. It's checking in with employees, finding out what their availability and unavailability is, right? So if it's at six to eight dinnertime, that's cherished, then it's finding out what that is and then it's respecting it, right? So, you know now that that employee has told you that from six o'clock to eight o'clock they really need to focus more on the life side balance of the work-life balance, respect that, don't bother them from six to eight, unless it's absolutely necessary. The other thing that I think is a small little ask that goes a really long way is, we're all going to be working on our own timeline at this point. If I send an email out at 10 o'clock at night, that's because it works for me, but I would end the email. The manager should write, "I don't expect an immediate response. Please don't respond to this or look at this until tomorrow."

And just adding those couple of words really lets the employee take a sigh of relief saying, "Okay, they're not expecting me to be working at 10 o'clock at night. This email works for him or her, but he doesn't, or she doesn't expect for me to respond until tomorrow, okay." And again, I think setting expectations, being clear in your communication style is going to go a long way to the employee to feel valued and supported and not overworked quite frankly. I think managers, Felice can really be effective in making sure employees, mothers, fathers, caregivers, everyone feel okay under these circumstances, meaning check-in. Do these frequent check-ins, whatever that frequency is to you with the employees.

Is your workload manageable, depending what their answer is, have further conversations and see what the employer can do to help out that employee. Check in with their wellbeing. Are you okay? Again, those three words go an awful long way,

and make sure that their needs are being met and they have the support that they need. Some managers may not have the skills or the ability right now to be effective check-ins. And we may want to invest in our managers and do some training, perhaps unconscious bias training so managers understand kind of what everyone is dealing with to make sure that they're not taking any measures that might have a disparate impact or might be inappropriate despite their best intentions.

Felice Ekelman (19:02):

And you're right. Building a more empathetic workplace is definitely something we should all try to achieve. But on the other pressure point is, what happens to all those employees who don't take the leaves and who feel as though they are undertaking a greater burden? So it is tough. Employers do have a lot of balancing that they need to do, but I think the lead by example, or put your money where your mouth is outcome is very important. I think employees need to see that colleagues who have taken time away or who have accepted a more flexible work-life balance because they've reduced step back for a period of time and then come back in, can still achieve, can still be super stars and receive the projects, promotions, and the like.

So going back to this issue about what other benefits can we build in? I think that we are at a crossroads right now where employers need to come up with a plan about what is the role of remote work in their future, and what is the role of flexible work hours, which have been in brace to a larger extent during the past year, not out of a desire, but because they don't have a choice. So we've all seen a situation where droves of workplaces have resorted to work at home, because folks can't get to the office. And now employers are at this crossroads where they're going to have to decide what is going to be the impact of this remote experience, and does it still have a place in our workplace, even when it's safe for all of us to return to work? And this is a wonderful opportunity I think for employers to rethink those kinds of flexible policies as they plan for their future. So have you seen a situation where employers are reaching out and asking about return to work, and what is the role of a remote work in the future?

Stephanie Peet (21:29):

Yeah, I am starting to see that right now where they're sending out surveys, probably we'll start with management, but I'm assuming at some point it may make its way down to employees, larger than their anonymous. Asking just some questions. What's your comfort level about returning to work now, three months from now, six months from now, assuming proper measures are taking place, masks, social distancing? They're talking about whether or not it's going to be, are you comfortable with a 100% return or is it going to be a 50% return where group A returns on one week, group B goes another week? I think there's going to be a lot of questions and surveys along the way to see what employee's comfort level is going to be. And look, every company is going to have to do this differently. Every company is going to have to do what's best for it, depending on the industry, the type of employees it has, but there's going to be changes.

And what was the normal is probably not going to be what it's going to look like soon. I think as hard as the pandemic has been, this is a time where it's a lessons

learned, what can we take from the experience that we have been through and use that to mold the workplace of the future? And I think for me two words stand out, and I think, Felicia, you hit on both of them. One is flexibility. I think employers are going to try and embrace a more flexible workplace to make for more productive and happier employees. And the second thing is empathy. Understanding your employees and providing support throughout the process. Hopefully that empathy will continue in the future.

Felice Ekelman (23:15):

Well, I think that's more for us to talk about on at a later date, but for now I'd like to leave with our listeners a to-do list. And this is for employers to think about as they start to contemplate what the next workplace is going to look like. And I think that they need to take a look at policies. Okay, leave policies, we talked about remote work policies obviously to make sure that employees also understand additional policies like childcare or flexible spending accounts. There might be opportunities to institute daycare or emergency daycare resources. There may be resources that can be purchased as an add-on to health benefits that provide counseling and mental health support beyond what already is provided in a traditional healthcare policy. And I think employers should start to look at what the issues have been with their workforce and to try to think about how they might be able to craft more responsive benefits so that their employees can see that there are reasons to stay with the employer because the employer has been making an effort to build a more empathetic workplace in terms of highlighting of these benefits.

Is there anything else you want to add to that to-do list Stephanie while were closing the first conversation on this issue?

Stephanie Peet (25:02):

Yeah, I think demystify the benefits. Again, remind employees what benefits are available because employees may not know certain benefits are available and would utilize them had they know. And it's a good time for employees to reevaluate their benefits to see if there's anything else that they want to offer that they currently aren't or that they currently are that's not being utilized. Yeah, I think you summarized them all. It'll be interesting to see what happens over the next few months, as everyone starts to re-enter the workplace. What that workplace is going to look like, it'll be interesting to see.

Alitia (25:41):

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