

Men win big in EEOC parental leave settlement



Cosmetics giant Estée Lauder has agreed to pay \$1,100,000 to men who the EEOC said were harmed by discriminatory parental leave policies. The company granted six weeks of paid parental leave to new mothers following the birth, adoption or foster placement of a child. New fathers, however, received only two weeks of paid bonding leave.

Women returning to work after a new child's arrival were provided with temporary flexible work schedules for two weeks. New fathers received no such benefit when they came back to work.

In all, the EEOC said 215 male Estée Lauder employees were affected by the practices. They will split the settlement funds, each receiving a little more than \$5,000.

Before the suit was settled, the EEOC accused Estée Lauder of violating the Equal Pay Act and Title VII of the Civil Rights Act.

In addition to paying the men, Estée Lauder has implemented a new policy that gives all employees—women and men—20 weeks of bonding time with newborn, adopted and foster children. All employees are now entitled to six weeks of flexible time for birth or adoption or placement as well. The new policy applies retroactively to employees whose children arrived after Jan. 1, 2018.

What employers should do

Review all policies that set different benefit levels based on gender. They're almost certain to run afoul of the Equal Pay Act and similar state laws.

In addition, make sure FMLA leave and similar state-mandated leave is equally available to men and women. It's a violation of the FMLA to discourage men from using leave to which they are entitled.

When in doubt about leave entitlements, consult your attorney, who can recommend any necessary policy

changes and help you implement them.

Final note: Remember, the law makes no assumptions about women and men having different parental roles. Employers shouldn't, either.