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This Father's Day, it's about time

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Gifts for fathers are always tricky. Do you get him a set of golf clubs? Another tie? A power saw?

What if, this Father's Day, you could give him a present that really matters -- more time with his family? A new wave in family discrimination litigation shows that men are finally starting to demand greater flexibility in the workplace. Many traditionally white-collar (and male) jobs, such as lawyer or investment banker, famously expect their employees to work long hours, punishing both women and men who so much as indicate that they have responsibilities outside the office. Simply put, this kind of discrimination is illegal. Not only that -- more and more, it's becoming clear that it just doesn't make sense.

Take the case of [Ariel Ayanna](#), a male associate at a major law firm who recently filed a case alleging gender discrimination. Ayanna was fired from Dechert, LLP after he became the primary caregiver for his family. According to the complaint, Ayanna was a well-reviewed second-year associate when his wife's pregnancy led to a flare-up of her chronic mental illness. When she gave birth, Ayanna took the three months of paternity leave allowed him by the Family and Medical Leave Act (FMLA) to care for her, their newborn and their young son.

When Ayanna came back to the office, he was greeted by hostile comments and a pointedly decreased workload. It wasn't that he wasn't available -- thanks to contemporary communications technology like email and BlackBerrys, we're pretty much always "on," and Ayanna was no exception. He never missed a deadline and regularly worked late nights from home. But he was reprimanded and derided for occasionally coming into the office past 9 a.m. or leaving by 7 p.m. -- even though plenty of other attorneys did the same without comment. The problem wasn't the work, it was the "face-time." Four months after he returned from leave, he was fired, told that "his `personal issues' interfered with his meeting the employment requirements at Dechert."

Sad to say, Ayanna's situation is the rule rather than the exception. Men who try to take any time off to spend with their families are hit hard with a "flexibility stigma." Their very masculinity is called into question by colleagues who build their self-worth around giving unquestioned

primacy to their jobs. The Center for WorkLife Law has compiled studies of workers across the professional spectrum, from advertising sales managers to industrial line supervisors, to show that men face a severe penalty for daring to take time off for the birth of their children. In fact, men filed 12 percent of the family responsibilities discrimination lawsuits in the 10 years before 2008 -- the latest year for which information is available -- and won 42 percent of those cases.

Men who take paternity leave receive poorer performance evaluations, fewer promotions and lower salaries than their counterparts, studies show. And of course, many men don't take leave at all -- not because they don't want to spend time with their children, but because they're afraid of retaliation, or are actively discouraged from asking in the first place. One Berkeley professor remembers the "sneering denial" he received from a chair he had asked for leave, while another was met with a more insidious strategy: "My chairman initially tried to pressure me not to take (parental leave) `for the good of the department' because he did not want to set a precedent," the professor remembers.

Studies have shown that increased workplace flexibility has no negative impact on the quality of employees' work. So why is this flexibility stigma so strong? The current system divides fathers, pitting traditional "providers" against more hands-on "nurturers" in a battle over what it means to be a man. Many young men today are committed to balancing work and family because they grew up in a world where many mothers, and some fathers, struggled to walk the tightrope between provider and nurturer every day. At the same time, some more senior men are getting tired of the never-ending pressure to rack up hours as their children grow into people they barely know. The hostility and discrimination that results threaten to alienate younger men and drive out senior talent. And if that's not enough to convince employers it's time for a change, penalizing men for their family commitment can open up employers to very real risks of litigation.

Ayanna's gender discrimination charges were eventually dropped from his complaint due to an administrative mix-up. The next defendant may not be so lucky. It's time to start acknowledging that men shouldn't be forced to choose between a promotion and their kids' soccer game. This Father's Day, let's give fathers the gift of a life -- their own.

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