



Recognizing Design Possibilities and Challenges: Equity Issues in a Remote Workplace

2020 Employment Law Seminar
Day 3: Social Justice & Discrimination in the Workplace



Speaker Introductions



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Challenges and Opportunities for Women Employees

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- Women are leaving the workforce in alarming numbers:
 - Of the 1.1 million people who dropped out of the job market in September 2020, more than 890,000 were women. (*U.S. Bureau of Labor Statistics*)
 - 22 percent of women have left the workforce since the start of the pandemic (*Bipartisan Policy Center Report, Oct. 2020*)
- But, telework arrangements might be an appealing opportunity for working women in the long run.



Actions to Consider

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- Ensure employees are aware of leave options, including short-term unpaid leaves.
- Where possible, offer flexible schedules and temporarily-reduced duties.
- Revise performance evaluation criteria to account for pandemic-related challenges.
- Consistently seek to understand and remove systemic barriers.
- Provide options to all employees.

Challenges and Opportunities for Employees with Disabilities

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- Employers must respond to disability accommodation requests even when operating in a new work environment.
- Employers may need to adjust.
- Employees may not readily recognize that they can seek accommodation in the remote-work environment.



Actions to Consider

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- Re-educate employees about how to access disability accommodations.
- Continue to engage in the interactive process, although it may look different.
- Check in with employees who have existing accommodations.



Mental Health Issues are on the Rise

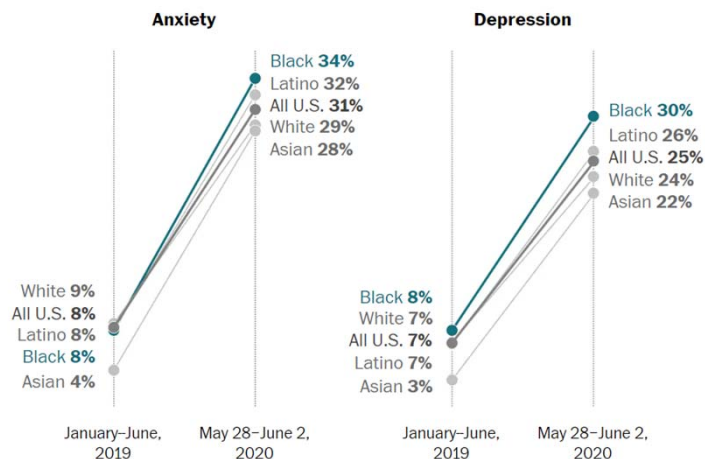
- Employee personal stress is increasing from societal factors such as the COVID-19 pandemic, social and racial-justice issues, schooling kids at home, isolation from work at home and social distancing, and changes to schedules or working conditions.



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Anxiety and depression symptoms have more than tripled since 2019, with black Americans shouldering the heaviest burden

Percent screening positive for anxiety or depression



<https://www.washingtonpost.com/health/2020/06/12/mental-health-george-floyd-census/?arc404=true>

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Actions to Consider

- Review leave and workplace accommodation policies, update them, and ensure they reflect the current workplace environment.
- Educate the workforce about mental illness and the resources available to employees.
- Do not avoid discussions with impacted employees because they may be uncomfortable.

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Challenges and Opportunities for Older Employees

- The pandemic has raised unprecedented legal questions concerning older employees.
- There is a recent report of a flood of complaints and questions to attorneys about layoffs, firings, and recalls that may discriminate against older or disabled workers.



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Actions to Consider

- Be flexible and offer multiple training sessions on new remote tools to everyone.
- Evaluate every layoff or recall in advance.
- Refrain from commenting about attributes that may be correlated to employee age.
- View the pandemic as an opportunity for all employees—including older adults—to develop 21st-century skills that will be key in tomorrow's workplace.
- Avoid "benign" discrimination.

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Challenges and Opportunities for BIPOC Employees

- COVID is hitting BIPOC communities especially hard.
- Remote work creates fewer chances to create connections and trust in the workplace, leaving BIPOC employees at a disadvantage for promotions and other opportunities.
- But, remote work also creates opportunities for expanded recruitment.



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Actions to Consider

- Ensure your top leaders continue to express support for diverse employees, while recognizing the unique challenges BIPOC employees are facing.
- Create intentional opportunities to network.
- Establish formal mentoring and sponsoring programs.
- Carefully monitor assignments and opportunities.
- Ensure that employees are being acknowledged for good work and for taking on additional or new assignments.
- Seek feedback from BIPOC employees, listen and respond to concerns.

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Implicit Bias Exacerbated by Remote Work

- Implicit bias refers to subconscious beliefs that influence decision-making.
- Implicit biases are often contradictory to our stated beliefs or values.
- A lack of personal connection (inherent in remote work) can allow stereotypes to persist, creating legal risk.
- Continue to provide training about implicit bias, and tools for all employees to counter its impact.

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Pay Attention to Intersectionality

- "Intersectionality" means "the interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage."



Actions to Consider

- Educate the workforce about intersectionality.
- Seek to learn from employees about how multiple identities can affect their experience at work, and follow up on any concerns.
- Focus on how your BIPOC employees enhance your workplace.



Takeaways

- Be sensitive to how COVID is impacting diverse groups of employees.
- Offer flexibility where possible and in accordance with workplace policies.
- Listen to and respond to employee concerns.
- Consider how remote work opportunities may enhance workplace diversity in the future.
- Demonstrate value for your diverse employees.

Thank You!



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