

Is Your Workplace Gender Equal?

written by Nancy Brent | August 15, 2016

Avoiding Liability Bulletin - August 15, 2016

If you are a nurse manager, an advanced practice registered nurse who has established an independent practice, or a chief nursing officer, (CNO), and have the authority to hire, fire and promote staff, one of your legal obligations is to ensure that you do so in a manner that treats gender equally.

Gender and sex are often used interchangeably in the law. As an example, Title VII of the Civil Rights Act of 1964 prohibits discrimination in the workplace on the basis of gender. Its protection is quite broad.

Simply put, if a person is treated unfavorably because of that person's sex (gender), this is discriminatory under Title VII. Title VII also prohibits discrimination because of gender identity, including transgender status, or because of a person's sexual orientation.¹

Attorney Jonathan Segal, in a recent presentation at the Society for Human Resource Management's (SHRM) Conference, offered his suggestions for ensuring the workplace promotes gender equality.¹

One of his suggestions is to remove bias when interviewing an individual for a position. He suggests asking uniform questions of all applicants, regardless of gender. Also, mixed-gender interviewing teams help reduce bias.

All staff should have equal access to pay, promotions, leadership roles, and "plum" assignments. Any decision-making should not be based on patient or family preference, inability to attend conferences or workshops that require travel, or, as Segal terms it, "pregnancy paternalism (pregnant women should not be put under stress)".²

A third suggestion Segal stresses is the need for all staff to be included in workplace communication. No person or group should be eliminated from such communication consciously or unconsciously.

As a nurse manager, an advanced practice registered nurse, or a CNO, you have the ability to set the stage for gender equality through your own behavior and leadership abilities. Your leadership should be respectful and inclusive of all staff. Exclusion and harassing behavior should not be the culture of the work environment over which you manage.

By instilling the expectation of gender equality, your staff will be much happier while at work and you can help avoid the potential, insofar as possible, of a lawsuit alleging discrimination due to one's gender.

FOOTNOTES

1. S. Equal Employment Opportunity Commission (n.d.). "Sex-Based Discrimination". Available at: <https://www.eeoc.gov/laws/types/sex.cfm> .

Stephen Bruce, "12 Ways To Increase Gender Equality", *HR Daily Advisor*, July 13 & 14, 2016. Available at:

http://hrdailyadvisor.blr.com/2016/07/13/12-wasy-increase-gender-equality/?source=HAC&effort=39&effort=39&utm_source=BLR&utm_THIS_medium=email&utm_campaign= .

THIS BULLETIN IS FOR EDUCATIONAL PURPOSES ONLY AND IS NOT TO BE TAKEN AS SPECIFIC LEGAL OR ANY OTHER ADVICE BY THE READER. IF LEGAL OR OTHER ADVICE IS NEEDED, THE READER IS ENCOURAGED TO SEEK SUCH ADVICE FROM A COMPETENT PROFESSIONAL.