

## What About The Dads? Does Your Paternity Leave Policy Discriminate?

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Mom Dad Baby

Paternity leave advocates have found a new poster boy, as CNN reporter Josh Levs has filed an EEOC charge of sex discrimination against CNN's parent company, Time Warner. Levs, whose wife just had a child, claims that Time Warner's parental leave policy discriminates against biological fathers. The policy in question grants 10 weeks of paid leave to women who give birth and to both men and women who become parents through adoption or surrogacy. However, the policy only provides two weeks of paid leave to biological fathers.

Levs [took to his Tumblr site](#) to share why he believes his discrimination charge is necessary:

Under Time Warner rules, I have only two choices: stay out for 10 weeks without pay, or return to work and hire someone to come to our home each day. Neither is financially tenable, and the fact that only biological dads face this choice at this point in a newborn's life is ludicrous.

Time Warner has two policies that create this discriminatory result. The first: Women who give birth get 10 weeks off, paid. The second: Women or men who have babies through adoption or surrogacy have the option of 10 weeks off, paid, to be caregivers to their new children.

But under no circumstances can a biological father get 10 weeks off paid, even if he is needed for caregiving. We get two weeks of paid parental leave.

Despite Lev's arguments, it is not clear that Time Warner's policy is discriminatory to men. A woman who gives birth may lawfully be treated differently than a biological father because, in addition to wanting time off to care for her new child, she may need time off to care for their own medical concerns after childbirth. While a father may want time off for child care reasons, no such medical concerns exist. Further, Time Warner's policy treats men and women who adopt or have a child through a surrogate equally, so there is no facially discriminatory practice based on sex in that regard.

Whether or not Time Warner's policy is found to be lawful, the charge highlights a new trend in sex discrimination claims, as there is an upward surge in such claims being filed by men. As gender roles have shifted and

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men are more likely to stay home to care for children, employers must ensure their policies keep up with the times. Employers are advised to review their parental leave policies to determine whether men and women are treated equally, and if women are given more leave time than men, such leave should explicitly be linked to the time women are incapacitated by pregnancy and childbirth.