

on pregnancy discrimination. EEOC offices around the country have filed a number of pregnancy discrimination lawsuits in recent months as part of the plan.

Employer conduct targeted by the EEOC includes requiring employees to produce fitness-for-duty

certifications as soon as they disclose they are pregnant, having written policies requiring pregnant employees to be laid off at a certain point in their pregnancy, and refusing to return female employees to work after maternity leave while at the same time hiring male employees.



WORDS ON WISE MANAGEMENT

Are you communicating enough when it comes to the FMLA?

by Maria Reed

George Bernard Shaw once said, “The single biggest problem with communication is the illusion that it has taken place.” The Family and Medical Leave Act (FMLA) requires a minimal amount of information to be posted in prominent areas of the workplace and included in employee policy manuals. In addition, the law requires information to be communicated to employees after they have provided notice of their need for leave. Some employers think the minimum is sufficient when it comes to the FMLA. My advice: Do more than what is required under the law.

You may think that is counterintuitive and that advertising the right to take time off work will set your organization up for half your workforce to be on FMLA leave. However, just because you inform employees of their rights and obligations—and the consequences of their failure to act as required under the law—doesn’t mean they will qualify for leave or meet the deadlines.

If your company doesn’t have a system in place to communicate with employees about how FMLA leave works, take time to develop a checklist of all the responsibilities of both the employer and the employee. Make sure all your employees receive a copy of the policy and your supervisors are thoroughly trained on how to advise employees on FMLA matters. Even if you have an electronic delivery system for communicating with employees, there’s no guarantee an employee actually will read what you send them. Therefore, it’s critical for your supervisors to be well trained in informing employees of their rights and responsibilities under this complex law.

Content matters

Content is equally important. As the great Mark Twain once said, “The difference between the almost right word and the right word is really a large matter—it’s the difference between the lightning bug and the lightning.” The slightest ambiguity, a misplaced word, or a punctuation error can change the

meaning and interpretation of a sentence or directive entirely. Be absolutely certain that there’s no doubt in the minds of your employees and supervisors about what you expect from them.

As a client relations manager in the absence management division of a national HR consulting firm, I’ve encountered countless employees who have appealed decisions and requested exceptions because they didn’t know or understand the rules, even though their employers met the federal minimum requirement of informing them of their rights and responsibilities. Responding to employee appeals and requests for an exception under the law takes time and resources. In an age when information is always at your fingertips, it seems that employee excuses abound: “The e-mail went to my spam folder,” “I don’t have access to my work e-mail account if I’m not at work,” or “I moved, but I haven’t had the chance to notify you of my new mailing address.” Those excuses decrease significantly when supervisors properly counsel employees on when they can request FMLA leave.

Doing more than the minimum pays off

If you do more than the law requires, fewer employees will be inclined to request exceptions to policies you expressly informed them of—both in writing and in person. Employees who fail to fulfill their obligations won’t have a very good case when they try to argue that the company failed to inform them of their rights and responsibilities. Further, your employees will work harder and have more faith in a company that places such importance on informing them of their rights and keeps their well-being a top priority.



Maria Reed, a client relations manager for the absence management division of F&H Solutions Group, is responsible for assisting and advising clients on how to comply with the FMLA. You may contact her at mreed@fhsolutionsgroup.com or 202-719-2086. ❖