

**Dear HR Knowledge, do I have to give the same amount of paid parental leave to male and female employees?**

This is one of the most frequent questions we are asked when writing parental leave policies. In simple terms, the answer is yes. If your company currently offers, or plans to offer, parental leave beyond what is required by law, you must ensure company policy offers equal benefits to both genders. The Equal Employment Opportunity Commission (EEOC) considers parental leave a benefit like any other, and companies must not discriminate based on sex with any compensation structure or benefit policy.

The EEOC has filed a [lawsuit](#) against Estée Lauder over the cosmetic company's parental leave policy, which it says discriminates based on sex. Put simply, the lawsuit says that fathers at the company are not allowed the same parental leave benefits as mothers, and that is unlawful in the eyes of the EEOC. Though on the surface the policy appeared not to discriminate, in application men were denied "primary caregiver" status except in cases of surrogacy. The EEOC claims this violates the Civil Rights Act of 1964 and the Equal Pay Act of 1963. The [case](#) resides with the US District Court for the Eastern District of Pennsylvania. The EEOC has stated, "It is wonderful when employers provide paid parental leave and flexible work arrangements, but federal law requires equal pay, including benefits, for equal work, and that applies to men as well as women."

Offering parental leave is a trend on the rise in corporate America, and it is imperative that any company providing this, or any other benefit, review its policies for gender equality – both in language and application. The EEOC has made it clear that addressing sex-based discrimination, including benefits such as paid leave, is a top priority for the agency. If your company offers parental leave benefits beyond what is required by law, it is important that you ensure those policies have both men and woman being treated equally and receiving the same benefit.

**About HR Knowledge**

Founded in 2001, HR Knowledge, Inc. provides integrated outsourced HR services tailored to our clients' needs. Our full array of offerings includes managed payroll, employee benefits administration, and HR consulting and support services, such as training, compliance, and Hiring Process Management™, our comprehensive recruitment service that takes you from finding to onboarding new talent. Our major markets are fast-growing small- and medium-sized businesses, many of which are venture-capital-backed; foreign companies expanding into the states; and charter schools. Partnering with HR Knowledge can reduce your administrative costs, minimize your legal risk, help you find and develop talent, and alleviate the HR burden so that you can focus on your core business.



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