

Girls: Body Images, Relationships and Overall Health

Media can have significant impact on growing girls. What kind of women will our girls be? The Girl Scout Research Institute's latest survey, *Girls and Body Image*, found that girls still feel intense pressure from the media to have an ideal body type. When they do not measure up to these unrealistic beauty standards, their self-esteem, body image and physical health can be damaged. The American Psychological Association issued a report on this topic in October. There will be an overview of the problem, what is being done, what should be done and how we can help.

Our speakers will be **Leslie Cameron**, Director, Administration and Communications of the American Psychological Association and **Clare Bresnahan**, Public Policy and Advocacy Associate for the Girl Scouts.

Additionally, Mary Bailey, editor of *The Watchful Eye* and chair of Montgomery County NOW's Sexualization of Youth Project, will briefly describe this project.

Date/Time: Tuesday, February 22, 2011 / 12 noon sharp to 1:30 pm
Open to the public, no reservation necessary.

Place: One Dupont Circle, 8th Floor Kellogg Room, Washington DC
Bring brown bag lunch, soft drinks available from a machine.

IMPORTANT NOTICE

A photo ID must be shown at the security desk of One Dupont Circle.

Please allow time to go through the sign-in system.

The CWI meeting will be cancelled if bad weather closes government offices.

Next Meeting: Tuesday, March 22, 2011

Looking at Equal Employment: Where We've Come and Where We're Going

WI's January speakers were **Peggy Mastroianni**, associate legal counsel of the Equal Employment Opportunity Commission (EEOC), responsible for developing legal guidance on a wide range of issues, and **Ann Hopkins**, nominated for partnership at Price Waterhouse in 1982 only to be denied, pursued her lawsuit ultimately to the Supreme Court and became the first court-ordered partner. Both speakers discussed the importance of equal opportunities and the types of discrimination that women can be subjected to in the workplace.

Ann Hopkins commented on changes in the workplace environment since 1984, when she sued Price Waterhouse alleging sex discrimination in the partnership admission process. In 1984 while "30 percent of law firm associates were women, only 5 percent of partners were women." She doubted that the statistic has changed much. The US Supreme Court had largely turned over. Most of the federal circuit and appellate judges who presided over the legal proceedings in her case were no longer on the bench. Anti-nepotism policies that worked largely to the disadvantage of women were eliminated as discriminatory. Most private business clubs had changed policies to become more accommodating to women and minorities. When she was denied admission to the partnership and asked the EEOC to help with a federal lawsuit, the EEOC was unable to act because *Hishon v. King and Spalding* was before the US Supreme Court. At issue in that case was whether or not the constitutional right to freedom of association was paramount in decisions to admit partners to the firm. When the Supreme Court ruled in favor of *Hishon*, Ann Hopkins sued under Title VII of the Civil Rights Act of 1964.

Hopkins never expected a seven-year litigation involving two trials, two appeals, and a



Peggy Mastroianni



Ann Hopkins

coerced trip to the Supreme Court. The fact that she was the only woman in the partner candidate group and stereotypical comments revealed in the course of that litigation played a major role in the ultimate outcome of the case. One such widely publicized comment was that Hopkins should "walk, talk and dress more femininely, wear jewelry and makeup and have her hair styled." At the end of the litigation she returned to Price Waterhouse as a partner.

Hopkins won both an individual and a collective battle for all women in the workplace. Firms or companies could no longer deny partnership because they did not envision women as part of their entity. Class action lawsuits are especially useful in reducing the stigma and fear that prevents many women from denouncing injustices that occur in

the workplace, but Hopkins describes individual court cases as playing an equally important role. In her case, numerous organizations such as the National Organization for Women and the Women's Legal Defense Fund joined forces with her team of attorneys to wage a legal war on sex discrimination in the workplace. More details on this important case and its implications are in Ann Branigar Hopkins' book *So Ordered: Making Partner the Hard Way*.

Peggy Mastroianni discussed the current status of the United States Equal Employment Opportunity Commission and three forms of discrimination increasingly found in the workplace. Mastroianni described the difficulties the agency faced between the years of 2000-2008 due to lack of funding. The diminished budget during those years led to a 25 percent reduction in the EEOC's staff, and a 30 percent reduction of investigators, whom the EEOC consider to be the backbone of the Commission's work. This dramatic cut in

Program Summary, continued

resources, Mastroianni explained, led to a backlog in the Commission's work that is now being reduced due to increased funding from the Obama administration. However, there are concerns about how long this increased budget will continue. Regardless of budgeting issues, Mastroianni emphasized the demand for the Commission's work. "We got 100,000 charges last year," Mastroianni stated, "29 percent alleged sex discrimination and we had over six thousand pregnancy charges." Mastroianni then discussed three prominent forms of discrimination in the workplace today: pregnancy discrimination, caregiver discrimination and appearance discrimination.

Pregnancy discrimination pervades all career levels and job distinctions. A woman who is pregnant can expect a tremendous amount of resistance when applying for low-paying jobs such as in fast food restaurants, and may not even make it through the application process. Similarly, in higher paying positions women can expect discrimination during and after a pregnancy. Many women return from maternity leave only to be denied the possibility of promotion and some are even forced into a lower position or income. To demonstrate pregnancy discrimination Mastroianni provided the example of a case recently settled by the EEOC with AKAL security. The independent contractor provides security services for a variety of customers including certain United States military bases. Pregnant AKAL security employees were forced to perform a variety of endurance tests designed specifically to force pregnant employees out of AKAL's service, and out of a job. It was through this example that Mastroianni introduced independent contractors as a significant part of discrimination in the modern workplace.

Mastroianni asserted that caregivers are not a protected group and therefore must find a legal "hook" in order to prosecute acts of workplace discrimination perpetrated against them. She identified two "hooks" through which caregivers may find protection under the law: Title VII's provision against sex discrimination and stereotyping as well as the American Disabilities Act, which protects those who care for disabled individuals from "association discrimination." Association discrimination, for instance, would

be effective when an individual is wrongly fired for using more medical insurance than his or her employer is comfortable with as a result of caring for a disabled partner or child.

To explain the manner in which Title VII may be applied to caregiver discrimination, Mastroianni recalled the Chadwick case in Maine in which a woman with three children and in the process of pursuing her Master's degree was denied a promotion. She found out a year later that the promotion was denied not for anything she, "did or didn't do, but because... [she] had such a full plate." In other words, the plaintiff had been discriminated against for being a caregiver and as such, in her company's opinion, deemed unable to handle an increased workload. This violated Title VII's provision against stereotyping, which — in the words of former Supreme Court Justice Rehnquist — "is an insufficient reason for disqualifying someone for whom the generalization [stereotype] does not apply." This provision against stereotyping is especially effective to combat workplace discrimination, as it does not require a male "comparator" through which to determine if discrimination is present.

Finally Mastroianni discussed appearance discrimination. Appearance discrimination should not be confused with the implementation and enforcement of a dress code, over which employers have a tremendous amount of control so long as they apply the dress code uniformly. For instance, she recalled a case where a casino implemented a "personal best" dress code policy that required all women to wear makeup at work. This was considered well within the employer's right and not enough of an increased burden on women.

What is the importance of class action suits in facilitating change and greater equality in the workplace? When asked how individuals should attempt to combat systemic discrimination, Mastroianni suggested using the EEOC for directed investigation or to bring any information beyond speculation to the EEOC commissioners, whom she referred to as a gifted and a highly motivated group who can also file charges. For additional information on EEOC visit: www.eeoc.gov.

Here we go again

Roll Call

The Equal Rights Amendment (ERA), “a nearly century-old proposal that would change the constitution and affirm equality of men and women ... continues to hover over Capitol Hill ... Debuting in both chambers in 1923, the proposal was reintroduced in each Congress until it finally passed the House and Senate in 1972. Members, however, placed a seven-year time limit of the ERA’s ratification, and when the deadline came and went ... only 35 of the 38 states needed to enact the amendment had ratified the ERA ... the movement never fully recovered. ... The proposal’s once-strong bipartisan support has waned.”

Now Supreme Court Justice Antonin Scalia has demonstrated the importance of the ERA. In a recent interview, he said “The Constitution doesn’t require women to be given the same rights as men ... many judges would disagree, citing the 14th amendment for equal protection of the sexes....”

Sen. Bob Menendez (D-NJ) at an ERA rally to protest Scalia’s comments said, “Three- fourths of Americans assume that the ERA is in our Constitution. Many others believe that social progress has eclipsed the need for it. But Justice Scalia’s recent comments have made it crystal clear that until equal protection for women is explicitly spelled out in the Constitution, the courts might not guarantee it. ... Stepping in for long-time ERA supporter and late Sen. Edward Kennedy (D-Mass) Menendez has taken up the torch in fighting to pass the ERA, along with his House counterpart, Rep. Carolyn Maloney. The New York Democrat has proposed an ERA bill in seven of her nine completed terms in hopes of

re-passing the amendment without a time limit for ratification....

For all the bravado of Menendez, Maloney, and feminists on the Hill ... Congressional passage of the bill is highly unlikely in this political atmosphere.

Women’s Media Center Sundance Video

From NCWO (National Council of Women’s Organizations)

“In this season of Oscars, Golden Globes, Emmys and other awards, the Women’s Media Center has produced a video calling filmmakers, news networks, talk shows, radio programs, and media conglomerates to account for not allowing women to tell their stories or even show their faces. The statistics are appalling. This short film is clever and persuasive ... you can watch the Women’s Media Center Sundance video on this link,” www.youtube.com/watch?v=s-6xsRG9PWA.

U.N. Women’s “Superagency”

The ceremonial opening of the new United Nations women’s “superagency” is scheduled to take place Feb. 24. The four U.N. gender agencies and offices now comprise this new entity. The agency was established in July 2010 by a vote of the U.N. General Assembly, and it actually opened in January. At that time it lacked a budget, some staff members and detailed programs. The official opening of the women’s agency will coincide with the annual month-long session of the Commission on the Status of Women, usually attended by participants from around the world.

It is expected that the agency’s financing will require \$500 million annually. Nearly \$77 million has been received from various country pledges.

President’s Message

The shift of power in the House of Representatives is already demonstrating an attack on women’s issues (i.e. social security). Granted some of these issues are not just women’s, but they affect women disproportionately. Please pay attention to what is being proposed and speak out. We need to have our voices heard, individually and collectively.

CWI presents topics at our meetings that are timely and that will help your understanding of an issue. We welcome meeting topics and speaker suggestions.

Barbara J. Ratner

A Strange Stirring

A Strange Stirring: The Feminine Mystique and American Women at the Dawn of the 1960s is a new book that examines the controversy that erupted in 1963 when Betty Friedan published *The Feminine Mystique* ... Stephanie Coontz writes about the dawn of the 1960s when the sexual revolution had barely begun." Based on exhaustive research and interviews, and challenging both conservative and liberal myths about Friedan, *A Strange Stirring* illuminates how a generation of women came to realize that their dissatisfaction with domestic life didn't reflect their personal weakness, but rather a social and political injustice.

Working Closer with Women Online

Posted by Sarah Bernard on the 1/31 weekly edition of the White House Council on Women and Girls Highlights

The White House brought together a diverse group of 25 online programming leaders who touch millions of women across the country for a day of policy briefings and a candid discussion of how to work more closely together. Our challenge to the group was to find the right ways to keep women engaged with their government so that they are better-informed and more active citizens. Much of the day was spent with senior administration officials taking the group through some key issues and priorities including: the White House Council on Women and Girls, military families, health care, the First Lady's *Let's Move!* initiative, education, the economy, opportunities for women business owners, workplace flexibility, and the to-be-launched Bureau of Consumer Financial Protection.

President Obama was able to stop by, and Valerie Jarrett took questions as we closed out the day. All agreed that this was only the beginning of an ongoing dialogue and relationship. As part of our continued efforts to engage more citizens online, the Women's Online Summit followed two previous gatherings that reached out to African American and Hispanic communities.

Paycheck Fairness Act

As last year ended, the Senate, by two votes short, failed to act on the Paycheck Fairness Act, a bill that would call for equal pay for women doing the same job as men.

CWI Member Organizations

ACE/Office of Women in Higher Education (OWHE)
www.acenet.edu/

Fairfax County Commission for Women
www.fairfaxva.gov/host/women/local.html

Federally Employed Women (FEW)
www.few.org

Feminist Majority Foundation (FMF)
www.feminist.org

League of Women Voters of DC
www.lwvdc.org

Maryland Legislative Agenda for Women (MLAW)
www.mdlegagenda4women.org

Maryland Women's Heritage Center
www.MDWomensHeritageCenter.org

Montgomery County Commission for Women
www.montgomerycountymd.gov/cfw

Montgomery County's Chapter of the National Organization for Women (MCNOW)
www.mcmdnow.org

National Council of Women's Organizations (NCWO)
www.womensorganizations.org

National Women's Law Center (NWLC)
www.nwlc.org

Service Employees International Union (SEIU) Local 500
www.seiu500.org

Union Theological Seminary
www.utsnyc.edu

United For Equality, LLC
www.united4equality.wordpress.com

Wider Opportunities for Women (WOW)
www.wowonline.org

Women's Research & Education Institute (WREI)
www.wrei.org



Clearinghouse on Women's Issues

10401 Grosvenor Place #917
Rockville, MD 20852

FIRST CLASS MAIL

COMING EVENTS

April 8-9 **Women, Money, Power Summit & Luncheon.** Renaissance Mayflower Hotel, 1127 Connecticut Ave NW. Luncheon and Congressional Visit on April 7. Summit April 8-9. More information: www.feministmajority.org.

Thursday, May 12 The Leadership Conference on Civil Rights will hold the 35th **Annual Hubert H. Humphrey Civil and Human Rights Award Dinner.** Washington Hilton Hotel. 1919 Connecticut Avenue NW. For information: www.civilrights.org

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