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# Bill would protect working women

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Attorney Lisa Matukaitis endured questions about her marital status and parenting duties during 20 interviews in a year-long job search.

She was so fed up with the discrimination that "it got to the point where I took my wedding ring off," she said.

For now, that kind of probing is still legal in Pennsylvania.

A bill in the state Senate Labor and Industry Committee would change that by barring employers from discriminating based on family and care-giving responsibilities.

But it's unlikely to come up for a vote without more evidence of a problem, according to Sen. John Gordner, chairman of that committee. "We'd want some documented situation where there have been problems that would be addressed by this bill," Gordner said.

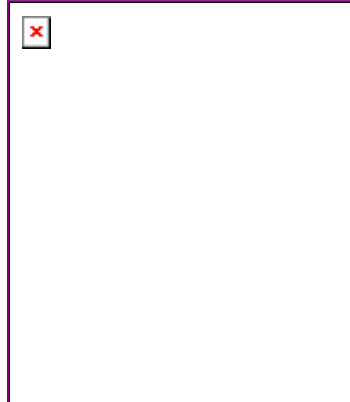
Employers use "maternal profiling" to screen against women who have children or may become mothers. It can also be used by employers when considering promotions, says Matukaitis, who specializes in employment and civil rights cases.

It can be used to hold back men in the workforce, although "it's usually a woman who has those responsibilities," she added.

A state law would protect residents from enduring questions about their marriage and duties to care for children or other family members, she believes.

"This stuff was supposed to end a long time ago and it didn't," Matukaitis said. "I think it's shocking to people that it's still going on."

'Maternal wall'



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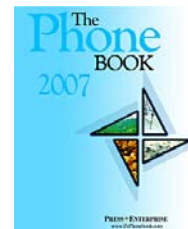
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The Elysburg-born Matukaitis, a 1989 Southern Columbia graduate, worked full time, including a job as a court clerk, while attending the Western New England College School of Law and graduated at the top of her class, she says.

While on family leave three years ago to care for her second child, she lost her job at the state Coalition Against Domestic Violence. She filed a lawsuit against the company.

Her experience and schooling should have set her up for an attorney position with a large law firm making at least \$100,000, she says.

"I heard about the glass ceiling," she said. "I didn't think I would be up against this maternal wall."

She was jobless for more than a year, eventually taking a lower-paying specialist job for a third of an attorney's wage.

That was the only company out of nearly two dozen that didn't ask about her family life, she says.

She has since started her own Harrisburg-based firm.

## Wanted: Sterile orphans

Interview questions about a spouse or children can be used only to discriminate against a candidate, said Kiki Peppard, a volunteer who has spent 14 years working with groups like 9 to 5: The National Association of Working Women, and MomsRising.org, to get a law barring maternal profiling.

"It's like they're looking for a robot, not a human being," she said of companies that still use those questions to judge job candidates.

Employers hoping to deter workers with family concerns might as well advertise "Only sterile orphans apply," Peppard said.

Some companies have admitted that they didn't like hiring mothers, she said, going so far as to ask women when they were planning to get pregnant.

"I don't know of any man who was asked during an interview when he planned to impregnate someone," Peppard said.

## Single suffering

Employers trying to dodge insurance costs and extended absences for child rearing have asked female job candidates if they were pregnant or planning on having any more children, Matukaitis said.

Without a law to expressly prohibit maternal profiling, single mothers suffer the most, she added.

"They're seen as the person who is going to leave their job continuously to pick their child up from daycare," she said, and as a group they are stereotyped more than married working women.

But being the sole supporter means those single parents will work harder to keep a job. "They need the job for their very survival," Matukaitis says.

About 70 percent of all mothers with kids under the age of 18 work, she added.

## Few bills pass

In the last four or five years, only two or three people from Gordner's district, which includes Columbia, Montour and surrounding counties, have contacted him with concerns about maternal profiling, he says.

The office has gotten hundreds of phone calls from people outside state lines in that time, the result of a national advocacy effort, he says. Twenty-two states in the country already have laws against discrimination based on family and marriage status.

In October, Gordner met with several statewide advocates to discuss maternal profiling, he said.

At the time, he had asked them to document four of five specific cases. "They've never gotten back to us," he said. "I have to see if there's support."

Only about 5 percent, or 20 of some 3,000-4,000 bills introduced in the Senate during each session, actually become law, Gordner said. The rest die in committee when the session ends, and will have to be reintroduced.

Lawmakers try to pass bills that affect many residents across the state and have dozens of examples, he added. That interest helps pool support among senators and advocates.

For now, "we don't have any intention of bringing it up," Gordner said.

## Holding bill 'hostage'

Peppard blames Gordner, not a lack of support, for keeping the bill in committee.

"They hold these bills hostage," she said, charging that Gordner is personally holding it up for the third year in a row.

The Monroe County woman has made several trips to Harrisburg to hand-deliver petitions and try to meet with Gordner, with no luck.

Rep. Babette Josephs, D-Philadelphia, the chair of the State Government Committee in the House, pledged to get things moving on a House bill during an October rally, Peppard added, but has yet to make a move.

"This is a living issue. And these lawmakers are affecting our ability to make a living," Peppard said.

Josephs said she's still interested in acting on the companion bill, but

has stalled the process because of a proposed Constitutional amendment that would define marriage.

But that amendment could affect people covered for marital status discrimination by limiting it to marriages between a man and a woman, she added.

"I do want to push it through," she said of the maternal-profiling bill. "I think it's definitely needed."

### Gordner 'misinformed'

Gordner says he was told by an experienced civil rights lawyer that the federal Civil Rights Act — which prohibits discrimination based on race, color, religion, sex, or national origin — already addresses the issues covered by the bill. Case law has also addressed the matter, he said.

But proponents of a new state law disagree.

"A lot of people are misinformed," said Tiffany Strickler, spokeswoman for the state Commission for Women. "They think this is covered under sexual discrimination or federal law, but it's not."

Matukaitis agrees.

The law does not keep workers from being singled out for their marital or family status, although the state Human Relations Commission does recommend against asking about marital status and children, Matukaitis said.

Lawyers can argue that some questions fall under sex discrimination, which is protected by federal law. But winning a case means a woman would have to prove that a man interviewed for the job and didn't get asked the same questions.

Some situations may implicate the Americans with Disabilities Act if a parent needs time off to care for a disabled child or the Family and Medical Leave Act for certain violations, she said.

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