



Men's Mentorship of Women at Odds with 'Pence Rule'

Rule criticized as potentially discriminatory

By Allen Smith, J.D.

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Following the "Pence rule" in the workplace—when a man declines to be alone with a woman other than his wife—may stand in the way of men mentoring women, which some view as a necessary stepping stone for women's professional advancement.

This rule is named after a practice adopted by Vice President Mike Pence. Some men at work are starting to follow this practice to reduce the risk of sexual harassment liability, noted Tom Spiggle, an attorney with The Spiggle Law Firm in Arlington, Va. But he said they may be setting themselves up for a claim of unlawful discrimination.

Men significantly outnumber women as managers and executives, and almost 30 percent of male managers are uncomfortable working alone with a woman, according to LeanIn.org. The Employment Law Alliance conducted a survey released March 7 on the impact of the #MeToo movement and found that 23 percent of the 382 respondents indicated that it was "somewhat common" for managers to refuse to travel, dine or meet alone behind closed doors with colleagues of the opposite sex.

When men overlook women for mentorship opportunities, or when they exclude or avoid women at work, women have fewer opportunities to advance and are more isolated, said Rachel Thomas, co-founder and president of the Sheryl Sandberg & Dave Goldberg Family Foundation in Palo Alto, Calif.

"It is frustrating to hear people reference the Pence rule because that sets the U.S. workplace back by decades," said Katherin Nukk-Freeman, co-founder of SHIFT HR Compliance Training in Chatham, N.J. "If managers in the workplace adopt this rule, then their mentoring relationships will suffer." And women will miss out on key relationship building and more highly coveted information, she added.

When there's a one-on-one discussion behind closed doors, that's often when a manager discloses what's really going on in the office, Spiggle said. It could give a man a discriminatory professional advantage if he could come into a manager's office and close the door for such discussions, but a similarly situated woman couldn't, he noted.

"Personal relationships are the key to achieving a coveted spot in the C-suite," he said. "To the extent that men feel they cannot have one-on-one professional relationships with women, these opportunities for women could be unnecessarily diminished."

Faith-Based Rule

The Pence rule may work well for faith-based organizations that need to avoid the appearance of impropriety in social situations, noted Joyce Chastain, SHRM-SCP, president of Chastain Consulting in Tallahassee, Fla.

"My dad was a minister, and he chose to behave similarly" to Pence, she said. He "didn't travel to the home of a single female without my mother, even to counsel in a grief situation. He didn't have meals or coffee with women without my mother. He behaved that way to avoid others thinking something was going on."

Rule Probably Unlawful at Work

At work it's often not possible to avoid being alone with a woman, Chastain said.

Many occupations have two people per vehicle traveling together, such as a paralegal traveling by car with an attorney to a deposition or client meeting. "If men and women can't work together as equals in the workplace, then one gender or the other will have to be excluded from consideration for many positions," she said, which would be unlawful.

"If certain men avoid women in closed-door work settings, they presumably do so because they fear unfounded sexual harassment claims," noted Elaine Herskowitz, principal with EEO Training & Consulting Services in Potomac, Md. "Clearly, such behavior is discriminatory, based on stereotyped attitudes. Rather than avoid women in closed-door work settings, men simply should treat female employees professionally and with respect."

[SHRM members-only toolkit: Managing Equal Employment Opportunity (www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/managingequalemploymentopportunity.aspx)]

Extra Step

But Thomas thinks male managers and executives should take an extra step and mentor women (www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/pages/guidelines-for-mentoring-in-the-postweinstein-era.aspx), despite fears of being accused of sexual harassment in the Time's Up era (<https://www.timesupnow.com/>).

"Mentorship can make a huge difference in a person's career," she said. "A mentor shows you the ropes, helps you navigate office politics, introduces you to decision-makers and puts your name forward for the kind of assignments that get you noticed. As a result, people with mentors are more likely to get a promotion than people without mentors."

She added that the low number of women in senior-level positions "is a problem with a solution. If you want to see more women in leadership roles in your organization, mentoring women will help achieve that goal."

DeDe Church, principal with DeDe Church & Associates in Austin, Texas, recommended that employers create a code of conduct that clearly explains what the mentor and mentee's relationship will look like, including:

- The estimated number of times the parties might meet or talk.
- Where they might meet.
- The specific areas where the mentee is hoping to grow.

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