University of Victoria

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MEDIA TIPS AND LEADS

GENDER BIAS IN SEVERANCE SETTLEMENTS:

Whether they go to court to settle a wrongful dismissal claim or negotiate a settlement on their own, women get fewer weeks of severance pay than men, according to research by Dr. Ken Thornicroft, professor of business law and employment relations at the Gustavson School of Business.

Thornicroft's findings come from a study of decisions issued by provincial and territorial courts of appeal from 2000 to 2011 and an experiment he conducted over seven years with his business students about reasonable notice entitlements.

"Women face a marked disadvantage when negotiating severance pay settlements, which in some cases could mean a loss of several months' pay," says Thornicroft. "What's disturbing about the findings is that an anti-female bias is equally demonstrated by women and menthe males recovered nearly two months' additional notice than did the females in the negotiation experiment."

Thornicroft says results from the appellate courts' study indicate that women are systematically awarded about 1.5 to 1.7 months less notice than similar male litigants. He says a potential solutionbeyond recognizing that this is an issueis to establish a legislated formula for calculating reasonable notice. "A statutory formula would eliminate the issue of gender from coming into play, and reduce the potential for costly court cases," he says.

Ken Thornicroft - "Faces of UVic Research" video:

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