

Business And Society

# Roe v. Wade's Demise Is a Turning Point for Corporate America

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**Summary.** The Supreme Court's decision to overturn *Roe v. Wade* comes at a time when there are 2 million fewer women in the workforce than there were two years ago. And because American companies operate in an employer-sponsored health care... [more](#)

Since the Supreme Court voted to [overturn \*Roe v. Wade\*](#) via the *Dobbs v. Jackson* decision, many of the corporate leaders we've spoken with have found themselves surprised at the magnitude of response from those on their teams. They shouldn't be – and they should consider this a moment to step up for their current and future employees.

The overturning of *Roe* comes on the heels of two and a half painful years for American women. As of 2020, on average, white women still made [73 cents on the dollar](#) compared to their male

counterparts. Black and Hispanic women made 58 cents and 49 cents, respectively. That was before women left the workforce in droves due to remote schooling, daycare closures, and a variety of caregiving challenges wrought by the pandemic that primarily fell on women's shoulders. According to the Institute for Women's Policy Research (IWPR), there are still 2 million fewer women in the workforce than there were two years ago.

Amid a competitive talent marketplace, employers have a responsibility to solve for the issues facing their workforce – and will suffer recruitment and retention consequences if they don't. Before *Dobbs*, corporate leaders were already being advised by experts to create new work environments to retain the women in their workforces and, in many cases, attract them back. The fallout from *Dobbs* is likely to mean even more challenges in attracting, developing, and rewarding women. And because American companies operate in an employer-sponsored health care system, access to reproductive health care is a workplace issue that companies need to address – not an unrelated political conversation that can be ignored.

Corporate leaders enter this conversation amid historic highs – and growing expectations – of business action on societal issues, such as racial equity and climate change. Edelman's 2022 Trust Barometer found that employers are the only institution that Americans trust to do the right thing when it comes to social issues.

Some leaders have navigated abortion rights proactively, scenario planning for the potential overturning of *Roe v. Wade* as early as fall 2021, when the Supreme Court did not block a novel Texas law that effectively banned most abortions after six weeks into a pregnancy. (It sparked Edelman to create a client task force on

this issue.) But for all companies, there are both near and long-term actions to be considered, all of which begin with support for their employees.

**First, companies can consider immediate action associated with the *Dobbs v. Jackson* decision.** Many companies, including our own, are already covering travel for out-of-state abortion or gender-affirming health care. [Google](#) is offering its employees the opportunity to relocate to states where abortion is legal. [Patagonia](#) and [Live Nation](#) are covering bail costs for employees arrested in demonstrations against the Supreme Court decision. In communications to employees, companies should acknowledge that employees have a variety of opinions on this issue, but that fact should not prevent companies from taking action.

**Second, leaders should think of *Dobbs* as a rallying cry to support employees across all aspects of bearing and raising children.** The economic realities of what this decision may do for women and others in the workforce who may become pregnant are profound. According to the Institute for Women's Policy Research (IWPR), state-level abortion restrictions [cost state economies \\$105 billion per year](#) by reducing labor force participation and earnings levels, in addition to increasing turnover and time off from work among women between the ages of 15 to 44 years old. Consider offering pre-tax dependent care benefits, as Citi has done, or on-site childcare, as [Clif Bar](#) has done. To minimize caregiver-related attrition, consider covering additional pregnancy-related health care costs and extending paid family leave.

**Third, companies should consider the role of women in their workforce – and how they can create pathways into leadership.** The *Dobbs* decision has the potential to turn back the DEI progress we've made as employers on issues like pay equity, women in senior leadership positions, and women on boards. The wage gap notoriously widens during childbearing and child-rearing years. Rethink how you can carve out space for caretakers

to be successful at your company — for example, job shares that allow caregiving employees to do high-impact work while working shorter days, or non-traditional routes back into the workplace for those who have taken time off to focus on caregiving.

**Fourth, employers have a responsibility to create an inclusive environment where honest, open conversations are possible.**

In 2020, our colleague Cydney Roach helped coin the term “chief empathy officer” to describe newfound expectations for CEOs during the early months of the Covid-19 pandemic. For those who may become pregnant, as well as their partners and allies, this environment must now become the norm. All leaders throughout the organization have a role to play in creating an inclusive work culture, where pregnancy is normalized and the challenges caregivers face are not stigmatized or shamed.

**Finally, in the long term, employers should consider the role their operations can play.** A fall 2021 survey from the Tara Health Foundation found that two-thirds of “top talent” would be discouraged from taking a job in Texas due to its abortion law, and that 64% would not apply for a job in any state that passed a similar ban. Companies may reconsider in which states to establish their headquarters or where to open new offices. Employers should also recognize that some pregnant employees may have concerns about traveling for work to restrictive states in the event of a medical emergency. They should create flexible alternatives to travel and “no questions asked” policies. Companies should also reassess where their lobbying dollars are going and examine whether their political funding conflicts with the values and needs of their employees.

The call to employers on this issue may feel new in both scope and magnitude. Still, much like corporate actions following the murder of George Floyd in 2020, it marks a turning point for companies. Given the precedent that *Dobbs* has set, abortion access may not be last right taken away.

Companies must proactively think through their stance — and plan for action — on other employee concerns that are now considered precedent, from gay marriage to contraceptive access. For leaders, this is a significant challenge, one that will require time, resources, and proactive strategic planning to get right. But those who do can reap the rewards — in reputation, loyalty, and the economic power of women in their workforce.



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