

FACT SHEET

FAMILY RESPONSIBILITIES DISCRIMINATION

Family Responsibilities Discrimination (FRD) is **discrimination against workers who have family caregiving responsibilities**, such as pregnant women, mothers and fathers of young children, parents of disabled children, and workers who care for their aging parents or sick spouses/partners. Examples of FRD:

- firing pregnant employees because they are pregnant or will take maternity leave;
- giving promotions to women without children or fathers rather than to more qualified mothers;
- giving parents work schedules that they cannot meet for childcare reasons while giving nonparents flexible schedules;
- harassing and penalizing workers who take time off to care for their aging parents or sick spouses or partners; and
- fabricating work infractions or performance deficiencies to justify dismissal of employees with family responsibilities.

FRD Is Against The Law

Federal and state **anti-discrimination laws**, such as Title VII of the federal Civil Rights Act and California's Fair Employment and Housing Act, prohibit discrimination based on sex, pregnancy, and association with disabled individuals. These statutes make it illegal, for example, for employers to treat pregnant workers differently from other workers with short-term medical conditions, deny parenting leave to fathers, refuse to train or promote women based on stereotypical assumptions about their availability or performance once they become mothers, and refuse to hire mothers who have disabled children.

Federal and state **family leave laws**, such as the federal Family Medical Leave Act and the California Family Rights Act, guarantee leave under certain circumstances, prohibit interference with leave, and prohibit discrimination against employees who take leave. These statutes make it illegal, for example, for covered employers to deny a qualified employee's request for time off to take care of an ill or dying parent, require an employee to come back early from leave, or penalize employees who have taken leave by demoting or harassing them, or making them quit.

Other statutes can also be used to protect employees with family caregiving responsibilities.

What Employees Can Do

If you think you have been discriminated against because of your family responsibilities, make sure your understanding of the circumstances is accurate. Keep notes about statements and actions that you believe are discriminatory. How other people like you have been treated is usually very important, so ask around. Talk with your supervisor, if appropriate, and tell him or her that it appears that you have been discriminated against. If your company has a grievance procedure, use it. The law does not allow your supervisor to retaliate against you for making a complaint. If the situation is not resolved, contact a local attorney or WorkLife Law (hotline@worklifelaw.org / 415-703-8276) to get an objective view on whether you have been discriminated against. If you decide to pursue legal action, you must file a complaint with an EEOC office or a local EEO office, and you may have as few as 180 days within which to file. To get more information about filing a complaint, visit www.eeoc.gov or call the EEOC at 1-800-669-EEOC.

What Employers Can Do

FRD can arise as a result of personnel policies and practices, or through day-to-day interactions between workers and employees. A prevention program is essential. A good place to start is reviewing your hiring, attendance, promotion, incentive pay, benefits, and leave policies to ensure that they do not negatively impact employees with family caregiving responsibilities. Adding "family responsibilities" as a category to your nondiscrimination policy is also a good idea; a free model policy is available from WorkLife Law. Training supervisors and HR personnel about what constitutes FRD and how to handle complaints is essential. They need to understand the common stereotyped assumptions about family caregivers as employees, and the common fact patterns that give rise to liability. Finally, treat all complaints of FRD seriously and ensure that all supervisors know not to retaliate against employees who have made complaints.