



FACT SHEET: FAMILY RESPONSIBILITIES DISCRIMINATION

Family Responsibilities Discrimination (FRD), also known as “caregiver discrimination”, 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 aging parents or sick spouses/partners. FRD claims are increasing rapidly. Over 50% of employees with FRD claims won or settled their cases.

Examples of FRD:

- firing pregnant employees because they are pregnant or will take maternity leave;
- giving promotions to women without children or to fathers, rather than to more qualified mothers;
- giving parents work schedules that they cannot meet for childcare reasons while giving nonparents flexible schedules; and
- harassing or penalizing workers who take time off to care for their aging parents.

Most Common Causes of Action

Federal and state **anti-discrimination laws**, such as Title VII of the Civil Rights Act and the Americans with Disabilities 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 promote women based on gender stereotypes triggered by motherhood, or refuse to hire mothers or fathers who have disabled children.

Federal and state **family leave laws**, such as the Family Medical Leave 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.

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

Caregiver Bias: The Trigger for Most FRD Claims

The common thread that runs through many, if not all, FRD claims is caregiver bias – unfounded assumptions about how caregivers will or should act. Some common caregiver biases are:

- caregivers are unreliable;
- mothers are less committed to their jobs;
- mothers should be home with their children;
- mothers are not willing to travel or work long hours;
- men should focus on work and let their wives handle the responsibilities of the family.

Often, supervisors’ personnel decisions are influenced by these assumptions, even if they are not aware of it. The influence can be evident through supervisors’ comments and timing and patterns of decision-making.

What Employers Can Do

- Train supervisors about common assumptions about caregivers and the typical situations that give rise to FRD liability, as well as the laws that prohibit discrimination against caregivers;
- Review hiring, attendance, promotion, incentive pay, benefits, and leave policies to ensure that they do not negatively impact employees with family caregiving responsibilities;
- Add “family responsibilities” as a category to your nondiscrimination policy; and
- Treat all FRD complaints seriously and ensure that supervisors do not retaliate against employees who have made complaints.

Where to get More Information:

www.worklifelaw.org; www.eeoc.gov/policy/docs/caregiving.pdf; www.eeoc.gov/policy/docs/caregiver-best-practices.html