

FACT SHEET

FAMILY RESPONSIBILITIES DISCRIMINATION

Family Responsibilities Discrimination (FRD) is **discrimination against employees because they have family caregiving responsibilities**. It affects pregnant women, mothers and fathers of young children, parents of children with disabilities, and employees who care for their aging parents or sick spouses. Examples:

- failing to accommodate pregnant employees or firing them because they will take maternity leave;
- denying promotions to qualified women because they have children;
- declining men's requests to work flexibly for childcare reasons;
- giving parents schedules that interfere with childcare while letting nonparents choose their schedules;
- refusing to provide breastfeeding employees break time and private space to pump milk;
- harassing employees who take time off to care for their aging parents or sick spouses; and
- fabricating work infractions to justify dismissal of employees because of family responsibilities.

FRD Is Against the Law

Nearly 100 states and cities, such as New York, Minnesota, New York City, Philadelphia, San Francisco, and the District of Columbia, have laws that prohibit FRD. In addition, federal and state **anti-discrimination laws** prohibit discrimination based on sex, pregnancy, and association with people who have disabilities. These statutes make it illegal, for example, for employers to refuse to hire women because they are pregnant, deny equal parenting leave to fathers, give poor assignments to mothers based on stereotypical assumptions about their availability or commitment, and fire employees because they care for family members who have disabilities.

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 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.

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, and about how other people like you have been treated. Talk with your supervisor, if appropriate, and tell him or her that it appears that you are experiencing discrimination. If your company or union has a grievance procedure, use it. The law does not allow your supervisor to retaliate against you for making a complaint. Contact a local attorney or the WorkLife Law hotline (below) to discuss your situation. If you decide to pursue legal action, you must file a complaint with the EEOC or a local EEO office, and you may have as few as 180 days to do so. If you work for a government agency, you may have a far shorter time to complain to your agency EEO officer. For more information about filing a complaint, visit www.eeoc.gov or call 1-800-669-EEOC.

What Employers Can Do

FRD can arise from personnel policies and practices, or day-to-day interactions between employers and employees. A prevention program is essential. A good place to start is reviewing your hiring, attendance, promotion, pay, benefits, and leave policies to ensure that they do not negatively impact employees with family responsibilities. "Family responsibilities" can be added as a category to your nondiscrimination policy; a free model policy is available from WorkLife Law. Training is essential; ensure that supervisors and HR personnel know what constitutes FRD and how to handle complaints. Finally, treat all complaints of FRD seriously and ensure that all supervisors know not to retaliate against employees who have made complaints. Contact the WorkLife Law hotline (below).