



Equal Rights Advocates

Since 1974, Fighting for Women's Equality

RECOMMENDATIONS ON WORKPLACE POLICIES FAMILY RESPONSIBILITIES DISCRIMINATION

CALIFORNIA WORKING FAMILIES POLICY SUMMIT
JANUARY 18, 2007

INTRODUCTION

Today, in 70% of U.S. households, all adults are in the paid workforce. Women comprise 46% of the total U.S. labor force, and 82% of women are mothers. One in four U.S. households is involved in caring for a relative over age 50. Family responsibilities discrimination is discrimination against employees with actual or perceived responsibilities to care for family members, such as children or aging parents. It is often driven by stereotypes about how caregivers will or should behave—for example, that because a woman is a mother she will be less committed to her job. Caregivers, in most cases women, have been passed over for promotion, denied leave, or forced out of their jobs, sometimes with express statements from employers that their familial status was the reason. The “motherhood penalty” is severe: One study showed that, while women without children earn 90 cents to a man’s dollar, mothers earn only 73 cents, and single mothers earn only 56 to 66 cents. Fathers who seek to take an active role in caring for their children or other family members are penalized at work as well.

POLICY OBJECTIVE #1

Eliminate family responsibilities discrimination in the workplace.

Background

While the current provisions of the California Fair Employment & Housing Act prohibit discrimination in employment based on gender and a number of other protected categories, they do not expressly prohibit employment discrimination based on familial status. Currently "familial status" is a protected classification under the housing provisions of FEHA, but not the employment provisions, which creates inconsistency. Expressly listing familial status as a protected classification under FEHA would provide greater protection against discrimination for workers with family caregiving responsibilities and would provide greater clarity to employers about how to avoid potentially costly liability. This law will further the state’s compelling interest in helping its workers balance the competing demands of their jobs and family obligations.

Recommended Action

It is recommended that the Legislature and Governor enact legislation to add “familial status” or “family responsibilities” as a protected classification under the employment provisions of the California Fair Employment & Housing Act.