



Providing equal employment opportunities for family caregivers and a clearer legal landscape for employers

HF2300 (Melin)/SF2006 (Wicklund)

- Add “family caregiver status” and “familial status” to the list of protected classes in Minnesota’s Human Rights law.

The Facts

- **Today, the majority of Minnesota workers have some family caregiving responsibilities outside of work.** 79% of Minnesota mothers with children under six work outside the home. One in four families takes care of elderly relatives and 1 in 10 employees are part of the sandwich generation, caring for both children and the elderly.
- **Family responsibility discrimination (FRD) is a growing problem.** There has been a 400% increase in the number of family responsibility cases filed since 1995. Demographic trends suggest that the problem will continue to grow with an aging population that lives longer, the increased importance of women’s earnings and both men and women staying in the workforce longer.
- **These claims include both women *and men*** who are increasingly stepping up to take on their fair share of caregiving responsibilities and stepping outside of gendered norms about caregiving. Examples from real claims include:
 - Firing a well performing employee because they are pregnant or plan to take maternity or paternity leave;
 - Failing to promote qualified employees who are mothers, choosing instead women without children or fathers, based on stereotypes that mothers are less committed and less competent;
 - Holding higher standards (higher production targets) for or removing benefits (such as flex-time) from employees with caregiving responsibilities based on assumptions not performance.
- **Caregiver discrimination can have an especially devastating impact on women’s economic security.** The “average” family caregiver in the United States is a 49-year-old woman who works outside the home and spends the equivalent of an additional half-time job (nearly 20 hours a week) providing unpaid care to her mother for nearly five years. Fifty percent of women providing this care report that they’ve had to cut back hours, pass up promotions, or leave the workforce all together during prime earning years to manage.
- **Eldercare responsibilities fall disproportionately not only on women, but also on low-wage workers.** One study found that families living below the federal poverty level are more than twice as likely as higher income workers to provide more than 30 hours a week of unpaid assistance to parents or parents-in-law. Service occupations are the most commonly represented in filed FRD cases; 63% of African American, 62% of American Indian and 57% of Latino women in Minnesota work in sales & service. Two-thirds of the state’s low wage workers are women.
- **The current legal landscape is complex and confusing for businesses and employees alike.** Businesses are often caught off guard by lawsuits caused by employment actions they may not have known were illegal. Currently employers are being successfully sued under approximately 17 different legal theories and even if employers do win they may still be subject to substantial litigation costs and negative publicity. State and federal law is currently not clear and does not explicitly protect workers from family responsibility discrimination.