

PROTECTIONS FOR WORKERS WITH CAREGIVING RESPONSIBILITIES

Starting May 4, 2016, you cannot be treated differently at your job because you have children, or because you care for a relative who is sick or has disabilities. Under this new provision, you cannot be discriminated against if:

- You are a parent with a child under the age of 18, including adopted or foster children, and provide direct and ongoing care to that child,
- OR
- You provide direct and ongoing care to a parent, sibling, spouse, child (of any age), grandparent, or grandchild with a disability or someone with a disability who lives with you, and that person relies on you for medical care or to meet their needs of daily living.

You cannot be discriminated against at your job because you have these caregiving responsibilities.

What is caregiver discrimination?

Caregiver discrimination occurs when employment decisions are based on caregiver status, which includes but is not limited to deciding not to hire or promote someone because, for example:

- He or she has children at home;
- He or she has a sick spouse;
- He or she is a foster or adoptive parent;
- He or she is a single parent;
- Based on the belief that someone with children or caring for a disabled relative with a disability will not be a reliable employee;
- Based on the belief that mothers should stay home with their children.

Who is protected?

You are protected if you work for or are applying to work for an employer with four or more employees, an employer with one or more domestic workers, or an employment agency. You are protected if you work full-time or part-time or if you are an intern or an independent contractor. You are also protected regardless of your immigration status.

What is prohibited?

- An employer cannot refuse to hire, fire, or otherwise discriminate against you in the terms, conditions, or privileges of employment because of your caregiving responsibilities.
- An employer cannot provide certain benefits, like flexible scheduling, to some employees and refuse to provide the same benefits to employees who request them because of caregiving responsibilities.
- An employer cannot publish an advertisement or job posting stating any limitation on who they will hire based on applicants' roles in taking care of their family.

What is NOT prohibited?

- Employers do NOT have to offer accommodations to employees because of their caregiving responsibilities. For example, employers are not required to change an employee's shift or allow them to leave work early just because they have caregiving responsibilities. Employers CANNOT, however,

deny these benefits to employees with caregiving responsibilities if they provide these benefits to other employees.

What should I do if I believe an employer did not follow the rules described here?

Call **212-416-0197** and ask for the Commission on Human Rights. You can leave an anonymous tip, or you can file a complaint about what happened to you. If the employer is found to have broken the law, you could recover lost wages or other damages and the employer may have to pay a fine.