



**FAMILY FORWARD**  
**OREGON**

*Smart policies for today's families.*

February 20, 2015

Testimony in Support of HB 2685: Employment Protections for “Familial Status”  
Submitted by Kate Newhall, Family Forward

Thank you for the opportunity to provide testimony in support of HB 2685. **Family Forward supports protecting workers from discrimination based on their familial responsibilities** - We believe that no worker should ever be treated differently based on his or her family obligations that occur outside of the workplace.

Family Forward is committed to advancing policies that support families and help them succeed, both in the workplace and at home. Our mission is to create a family-friendly Oregon where all families can be economically secure and have the time it takes for work and family responsibilities. Today, too many families are forced to sacrifice one or the other. Family Forward supports policies, like equal pay for equal work, that make economic stability and work-life balance more achievable for Oregon families.

We know that discrimination against caregivers, especially mothers, exacerbates the wage gap.<sup>1</sup> Mothers are less likely to be hired and are offered lower salaries than women without children (and fathers).<sup>2</sup> In addition, mothers earn 5% less *per child* than non-mothers, even when statistically controlled for education, work experience and other variables.<sup>3</sup>

**Oregon workers, women and mothers in particular, need HB 2685.**

HB 2685 will ensure that parents and caregivers are not discriminated against at work for their familial responsibilities. It will support our economy while promoting fairness in the workplace and breaking down barriers for working caregivers.

Family responsibilities discrimination, also called caregiver discrimination, is discrimination in the workplace based on an employee's responsibility, real or perceived, to care for family members. Employers may discriminate based on family responsibilities when they deny employment or promotions, pay less, or otherwise take negative employment action against an employee because of the employee's family responsibilities.

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<sup>1</sup> *A Fair Share for All: Pay Equity in the New American Workplace: Hearing Before the U.S. Senate Comm. on Health, Educ., Labor*, 113th Cong. (Mar. 11, 2010) (statement of Stuart Ishimaru, Acting Chairman of the Equal Employment Opportunity Commission).

<sup>2</sup> Daniel Aloj, *Mother's Face Disadvantages in Getting Hired, Cornell Study Says*, Cornell University News Service, (Aug. 4, 2005), <http://www.news.cornell.edu/stories/Aug05/soc.mothers.dea.html>.

<sup>3</sup> Stephan Benard, In Paik, and Shelley J. Correll, “Cognitive Bias and the Motherhood Penalty,” *Hastings Law Journal* 59 (June 2008): 1359.



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Family responsibilities can include caring for a spouse, child, or parent, being pregnant, or even the chance of becoming pregnant, caring for a disabled child, or sibling or caring for an aging parent.

Some examples of family responsibility discrimination include: failure to promote pregnant women or women with young children, giving promotions to women without children or fathers instead of more qualified women with children, giving parents work schedules that they cannot meet for childcare reasons while giving nonparents flexible schedules, fabricating work infractions or performance deficiencies to justify dismissal of employees with family responsibilities, penalizing workers who have legally taken time off to care for aging parents, or promoting single men over engaged or married women for fear that they will become pregnant.

In addition, more and more Americans are shouldering elder and family care responsibilities - about half of the U.S. workforce expects to be providing elder care in the coming five years.<sup>4</sup> Most family caregivers are women (66%) and they spend as much as 50% more time providing care than male caregivers do.<sup>5</sup> Lower-income women carry a particularly heavy caregiving burden: 52% of women caregivers with incomes at or below the national median of \$35,000 spend 20+ hours each week providing care.<sup>6</sup>

HB 2685 would explicitly protect parents and caregivers from being discriminated at work just because they provide care. The mechanism to achieve this is relatively simple and uses our existing method of providing for and enforcing basic civil right law in Oregon.

This law would simply require employers to give caregivers equal treatment under the law. It's also not a new concept - Several other jurisdictions have passed similar protections for family status or similar:

- Alaska Statute §18.80.220 prohibits discriminating against an employee based on "parenthood"
- The District of Columbia Human Rights Act 2-1401.01, 2-1401.02(12), 2-1402.11, 2-1411.02 prohibits employment discrimination based on "family responsibilities"
- Some cities and counties have provisions similar to D.C. including: Cook County, Illinois; Atlanta, Georgia; Milwaukee, Wisconsin; and Tampa, Florida.

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<sup>4</sup> Joan C. Williams et al., *Protecting Family Caregivers from Employment Discrimination*, AARP Public Policy Institute, 2, [http://www.aarp.org/content/dam/aarp/research/public\\_policy\\_institute/health/protecting-caregivers-employment-discrimination-insight-AARP-ppi-ltc.pdf](http://www.aarp.org/content/dam/aarp/research/public_policy_institute/health/protecting-caregivers-employment-discrimination-insight-AARP-ppi-ltc.pdf).

<sup>5</sup> Id.

<sup>6</sup> Women and Caregiving: Facts and Figures, Family Caregiver Alliance, [http://www.caregiver.org/caregiver/jsp/content\\_node.jsp?nodeid=892](http://www.caregiver.org/caregiver/jsp/content_node.jsp?nodeid=892).



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- Federal Executive Order 13152 prohibits employment discrimination against federal employees because of their "status as a parent."
- Conn. General Statute § 46a-60(a)(9) prohibits employers in Connecticut from requesting or requiring information from applicants or employees relating to their familial obligations.

Thank you for the opportunity to bring this important issue forward. Discrimination based on familial status hurts mothers and the families who rely on them, in Oregon and nationally. Eliminating wage discrimination will help families' better care for each other by allowing women and caregivers to get and stay in the workforce.