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Date: February 5, 2016

To: Chair Holvey and House Business and Labor Committee Members

From: Carla C. Piluso, Representative, HD-50

Regarding: HB 4088

Chair Holvey and Members of the House Business of Labor Committee,

I ask for your support for HB 4088: employment protections for “Familial Status”, otherwise known as off-duty caregiving responsibilities. HB 4088 will ensure that employees are not discriminated against at work for their off-duty familial responsibilities. Familial status discrimination is simply discrimination in the workplace based on an employee’s, real or perceived, responsibility to care for family members. Currently, employers may discriminate based on familial status by denying employment or promotions, paying less, or otherwise taking negative employment action against an employee because of the employee’s real or perceived responsibility to care for family members.

Examples of caregiver discrimination:

- **Passing over highly qualified mothers for hire or promotion** in favor of less qualified fathers or women without children;
- **Denying flexibility to employees who want it for child care reasons**, while allowing flexibility to employees to participate on a sports team or other non-family related reasons;
- **Firing or demoting employees whose spouses or elderly parents become disabled** for fear of increased absenteeism or higher health insurance premiums;
- **Harassing or penalizing workers** who take time off to care for their aging parents or sick spouses or partners; and

HB 4088 will ensure employees across the state will be protected from familial status discrimination in the same way they are protected against employment discrimination based on sex, race, religion, disability, national origin and age. For the majority of Oregon businesses, which overwhelmingly understand the unique challenges faced by employees with caregiving responsibilities, this bill will not change how they do business.

HB 4088 will not create a separate line-item to a business’ balance sheets or budget, does not require a business to provide additional benefits to employees, and does not force businesses to allow an employee to work fewer hours than is normally expected. HB 4088 will serve to protect the employees of only those few businesses that choose to discriminate against employees with family responsibilities, so employees are judged by their performance, not their off-duty caregiving responsibilities.

This concept isn’t new, seven jurisdictions in Oregon have enacted familial status protections that go beyond state and federal law and expressly prohibit employment practices that target people with family responsibilities. Those are: Beaverton, Corvallis, Eugene, Hillsboro, Portland, Salem and Benton County

all have specific employment protections against familial status discrimination. While existing laws and local ordinances cover the vast majority of workers in Oregon, they leave several gaps around the state and they do not explicitly cover elder care.

The patchwork of policies leaves employers in many situations having to guess how the courts will interpret existing laws when caregiver discrimination is at issue. Often, employers don't know that they can't discriminate against mothers and end up facing expensive lawsuits. A definitive law would remove the uncertainty for Oregon employers. HB 4088 would create a clear and consistent statewide standard to protect against caregiver discrimination. This protection would operate and be enforced in the same manner as existing employment protections in Oregon civil rights law.

In addition, HB 4088 would define "familial status" to encompass all types of caregiving relationships, including children, parents, grandparents, non-traditional family members and another person who is dependent on the employee for care.

Our economy, workplaces, and families are changing, yet workplaces still operate like it is the 1950's. 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. Our workplaces need to become more adaptive to the current reality of families and their changing responsibilities. If we don't, Oregon employers will miss out on incredible talent and our economy will suffer.

HB 4088 will help by simply requiring employers to give employees with off-duty caregiving responsibilities equal treatment under the law. This is an issue of basic fairness. Thank you and I ask for your support of HB 4088.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Carla C. Piluso', with a long, sweeping horizontal flourish extending to the right.

Carla C. Piluso
Representative, HD-50