



**The Women's Economic Security Act needs to include important language that requires equal treatment in the workplace for caregivers.** Discrimination against caregivers is the face of gender discrimination in today's work place.

*What if you were told "I didn't even consider you for that promotion because I assumed you would want to be home more with your kids?"*

*What if only your telecommuting privileges are suddenly taken away – despite high performance – because you are caring for your spouse now?*

- Today, the majority of Minnesota workers have some family caregiving responsibilities outside of work.
  - 79% of Minnesota mothers with children under 6 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.
  - The average American woman now spends as many years caring for parents (18) as she does children.
- Family responsibility discrimination (FRD) is a growing problem. There has been a 400% increase in the number of family responsibility cases filed since 1995.
- The House WESA bill makes it illegal for employers to discriminate against mothers or those with elder care responsibilities in hiring, firing, promotion, or compensation decisions.

***Frequently asked questions about the addition of "caregiver status" and "familial status" to the list of protected classes under the Minnesota Human Rights Act on the back.***

**Q: Why is this a necessary part of the package?** The negative employment effects of caregiver status for mothers, in particular, have been well documented. Some studies show a 7% wage penalty for each child compared to non-mothers; when all other factors are controlled. Elder care results in similar penalties and is the fastest growing dimension of this problem. Adding caregiver status to the employment protections in the Minnesota Human Rights Act will have an impact on families in the state not only through the individual claims that may be filed, but also through its symbolic power. This change will send a strong and clear message to employers and employees that employment discrimination against mothers and other caregivers is not acceptable in Minnesota and research suggests that such changes can move societal norms.

**Q: Isn't this already covered under sex discrimination protections?** Courts have interpreted sex discrimination narrowly -- being a mother or father or especially a caregiver for a spouse or parent are different than being a man or a woman. Caregiving status is a major trigger for negative stereotypes at work that can be different from sex-based stereotypes. Caregivers are perceived as less committed and less competent, regardless of their actual performance. Researchers describe caregiver, family responsibility and/or motherhood discrimination as the face of gender discrimination today.

**Q: Nobody else is doing this – won't Minnesota be an island?** State and local governments in 22 states have enacted similar laws and ordinances, including St. Paul. While helpful to some families (around 10 per year in St. Paul), these laws have not resulted in an avalanche of frivolous litigation.

**Q: Doesn't this mean businesses won't be able to let employees go if their caregiving affects their performance or that they will have to do all kinds of special things for employees like letting them go home early to take care of their kid?** No. This provision does not require employers to do anything for caregivers that they don't do for other employees. *It is very basic – just treat them the same.* This same argument has been made every time a new class is added -- that bad employees will use the opportunity to take advantage of employers. These arguments end up reinforcing the exact same negative stereotypes that the protected class status is designed to address.

**Q: Small businesses will have to spend thousands of dollars on a lawyer defending themselves from employees that are looking for any excuse.** The burden is on the employee to show unequal treatment and this is a very high bar. Most employers faced with a complaint under current protected classes do not involve an attorney and most claims are dismissed after an initial investigation; the majority that go forward are resolved through some kind of mediation. MDHR works hard to minimize the burden especially for small employers.

**Q: The definition of caregiver is so broad, everyone is included.** This can be tightened up, but these provisions only apply when someone is treated differently because of their family caregiver status. The same can be said of most other protected classes -- many people have a religion and everyone has a sex, for example. The burden will be on the employee to prove that they have been *treated differently based on caregiver status.* In real cases, employees have been told "I didn't consider you for a that promotion because you have children" or "Don't you have a wife to take care of your mother for you."