

FACT SHEET: Employment Discrimination Based on Family Status

Family Status related rights under the Code

Under the *Ontario Human Rights Code*, persons in a parent-child relationship have a right to equal treatment in the workplace. This means that employers cannot discriminate in hiring, promotion, training, benefits, workplace conditions, or termination of employment because a person is caring for a child or parent.

Why is 'Family Status' a protected ground?

The relationship between caregiving and work has become increasingly complex. Changing demographics, such as the increase in lone parent families, the mass movement of women into the paid labour force, and growing needs related to eldercare has placed new demands on caregivers. At the same time, workplace demands have intensified, as Canadians are working longer hours on average, and are increasingly engaged in part-time, contingent and temporary work. These difficulties can be exacerbated by the lack of social supports for families, such as adequate childcare, eldercare, and disability supports. Workplace structures and expectations have generally not adjusted to this new reality, with the result that workers with caregiving responsibilities find themselves under significant stress. Because women continue to bear the majority of responsibility for care-giving, this situation has a disproportionate impact based on sex.

Discrimination based on Family Status in the workplace

Employment decisions should not be influenced by stereotypes about caregivers. Those who provide family care, or are perceived to, may be assumed to be less competent, committed or ambitious than others. This is often influenced by gender stereotypes. For example, when female employees become mothers or take on other significant caregiving responsibilities, they may be passed over for promotions, learning opportunities and recognition because of biases, conscious or unconscious, about the attributes of mothers. On the other hand, men who take on significant caregiving responsibilities may face an extra backlash because of their failure to conform to stereotypical gender roles.

As with other **Code** grounds, employers have a duty to accommodate needs related to family status. Accommodation, in the context of family status, is usually associated with care-giving needs. Where workplace structures, policies, procedures or culture operate to exclude or disadvantage persons with care-giving responsibilities, employers have a duty to consider whether they can make adjustments to reflect needs related to family status. This may involve, for example, providing flexible scheduling, permitting employees to take leaves of absence to care for family members who are ill or have a disability, or providing access to alternative work arrangements. Creating a flexible and inclusive workplace benefits all employees, and advantages employers in hiring, retaining, and receiving the best possible performance from employees.

In order to break down employment barriers related to family status, employees, employers, and government must work together. The Commission believes that government has an important role to play in ensure greater social supports for childcare, eldercare, and persons with disabilities and their families, and in developing minimum legislated standards that support the ability of caregivers to participate in the workplace.

Source: The information in this fact sheet has been developed by the Ontario Human Rights Commission, and can be found at the following web site <http://www.ohrc.on.ca/en/issues/family>

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