



# **Legal Rights at Work for Family Caregivers**

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## **Model Anti-Discrimination Bill Language & Guide**



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## **Introduction**

Almost all employees will have caregiving responsibilities at some point in their working lives. Whether it's caring for a young child, a spouse with a disability, or an aging parent, many people find themselves providing unpaid care for their loved ones while also working a paid job. Often, family caregivers face negative treatment at work due to employer bias that says caregiving responsibilities make a worker unreliable, uncommitted, and less valuable. Instead of supporting employees with family caregiving responsibilities, employers discriminate against them. Sadly, in many cases, this is still legal, because current employment laws fail to fully protect employees with family responsibilities.

## **What Legal Rights Do Caregivers Need?**

**Family caregiver anti-discrimination laws, also known as family responsibilities discrimination laws**, prohibit employers from discriminating against employees based on the fact or perception that they provide care to a loved one. For example, it is illegal under these laws for an employer to select an employee for a layoff because they provide care for young children or a sick parent. As of September 2025, workers in [six states and over 250 local jurisdictions are already protected by this type of law](#). These laws vary in scope and coverage with many only protecting parents of minor children. Caregiver anti-discrimination laws ensure employees are judged on merit, not bias, create clarity for employers, and promote economic opportunity for people of all backgrounds. The laws also protect the health and wellbeing of the millions of children, disabled people, and older community members who are care recipients. To learn more about the importance of these protections, check out WorkLife Law's [Fact Sheet](#), created with SiX.

**In addition to protection from discrimination and bias, many family caregivers need a right to "reasonable accommodations" for caregiving**, which are changes at work that allow them to meet their obligations to both their employers and the family members they care for. The most common example of a reasonable accommodation needed by a caregiver is a schedule change, such as permission to shift working hours an hour earlier or reassignment to a shift that allows the employee to provide care. In [San Francisco](#), for example, employers are required to provide employees with a flexible or predictable work arrangement that has been requested for caring for children, aging family members, or family members with a serious medical condition. The law excuses employers from providing the accommodation if doing so would be very expensive or difficult. Unfortunately, laws requiring the accommodation of caregivers are still rare, but existing laws requiring accommodations for people with disabilities or pregnancy-related needs are

widespread and can serve as models that lawmakers, employers, and employees are already familiar with.

Below you'll find the tools you need to draft and pass a family caregiver anti-discrimination or accommodation law in your political environment, including key issues to consider and model bill language. **Please reach out to us at [policy@worklifelaw.org](mailto:policy@worklifelaw.org) for support!**

## Key Issues to Consider When Drafting Your Bill

There are a series of questions you'll want to consider, including how to refer to the law, where in the state or local code you want it to live, who the law is going to cover, and how expansive the protections will be. What approach you take will depend on the legal and policy context of your state or jurisdiction. Please reach out to WorkLife Law at [policy@worklifelaw.org](mailto:policy@worklifelaw.org) to set up a time to discuss the various options and what might work in your jurisdiction.

### Naming the Legislation

Laws protecting caregivers are typically referred to as either “Family Responsibilities Discrimination” laws or “Family Caregiver Discrimination” laws. The term “Caregiving Responsibilities” has also been used. While the title of your bill does not itself change the law’s legal impact, it can frame the legislation in a way that might be helpful for building support and a coalition to get it passed. Consider the key audiences you will need to support your legislation and what framing is most likely to resonate with them.

### Structuring the Legislation: Adopting a Standalone Law v. Amending an Existing Law

There are two main ways to structure a caregiver anti-discrimination law. If your state or local jurisdiction already has a law prohibiting discrimination on the basis of sex, race, religion, etc., you can simply add “family responsibilities” or “family caregiver status” to the list of protected categories. This approach allows you to have a very streamlined bill with few changes to the code, which may make lawmakers more comfortable with your bill. Choosing this path also ensures that employees facing family responsibilities discrimination will have the same enforcement and recovery options available to them as employees facing other established forms of discrimination (such as race and gender).

On the other hand, a standalone law may be preferred if you want aspects of your law to differ from existing anti-discrimination protections, such as if you want to create new definitions or different enforcement mechanisms. Similarly, if you want to require reasonable accommodations or other affirmative rights, you may want to create a standalone law.

### Defining Who is a Family Member

The breadth of caregiving that that your bill will protect is a key consideration. One important aspect of this is defining who is considered a “family member.” The overwhelming majority of households in the United States today do not consist of two adults with children: family

structures commonly include multiple generations living under one roof or loved ones who aren't biologically or legally related.<sup>1</sup> Using a broad definition of “family member” that includes extended family members and chosen family more accurately reflects the realities of modern households. Such definitions are more inclusive of workers who are disabled, LGBTQ+, and immigrant workers as they are more likely to live in intergenerational households or with chosen family. Given political constraints, however, you may need to use a narrower definition of family. The model below includes several options.

## **Enforcement Mechanisms**

There are two primary ways an employment law can be “enforced” – through government enforcement agencies and through private lawsuits. WorkLife Law strongly recommends adopting legislation enforceable through both mechanisms. A government enforcement agency is a state or local jurisdiction’s department of civil rights or an equivalent agency that can investigate legal violations and hold employers accountable. A “private right of action” means individual employees whose rights have been violated can go to court to sue their employer for monetary damages and/or other relief, such as a court order to end discriminatory practices.

Our model includes a private right of action, which allows an aggrieved employee to file a complaint in court, as well as identifies the monetary relief that can be awarded for violations. Laws that cannot be enforced in court by individual employees are far less effective and often go ignored by employers, who understand they are unlikely to be held accountable for breaking the law.

It is important to understand that although a private right of action is critical for encouraging employer compliance with the law, including this component does not mean that there will be a large wave of lawsuits against businesses. This is because employers will understand the legal risk and take actions (i.e., non-discrimination policies and practices) to avoid litigation. For research showing that litigation risk to employers is extremely low, check out WorkLife Law’s 2021 report [Clarification or Complaints](#).

## **Education and Outreach**

Public education about newly enacted legal rights for caregivers is necessary to achieve the new law’s policy goals. Ideally, the law will require the administrative agency that enforces the law to educate the public – both employers and workers. For example, the law could require employers to educate employees through required notices in the workplace. You may want to consider including a budget ask to ensure the agency has funding to carry out an education and outreach campaign once the law takes effect.

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<sup>1</sup> *How Demographic Shifts Are Transforming Housing Needs*, AARP Wisconsin, <https://states.aarp.org/wisconsin/how-demographic-shifts-are-transforming-housing-needs> (last visited Sept. 22, 2025).



## Including the Right to Reasonable Accommodations

Existing caregiver protections already in effect around the country prohibit discrimination, but only a very small number require employers to provide reasonable accommodations for family caregiving. In other words, existing laws prohibit treating workers poorly or worse because of their status as a caregiver. But very few require employers to take affirmative steps to support a worker's needs related to their caregiving responsibilities.

Employees with family responsibilities may need changes at work so they can care for their loved one and maintain their employment. This might include permission to carry a cell phone during the workday, a predictable schedule to enable the worker to attend a loved one's medical appointments, shifting work hours to pick up a child from daycare, or working remotely when a disabled family member's aide calls out sick.

While these changes can help employers retain caregiving workers, they become essential during emergencies. Your bill could take a narrow approach by only requiring accommodations for caregivers during crisis, for example in cases of unforeseen closures of schools and care facilities (e.g., due to extreme weather, natural disasters, or public health emergencies).

Including a right to accommodation as part of your law gives caregivers the strongest protections to meet their needs, but it will also likely increase the intensity of opposition to your bill, especially from the business community. Advocating for a bill that requires accommodations may also be challenging because there are very few existing laws to point to as models. That said, the right to accommodations for caregivers is ultimately necessary to make workplaces humane for all people. As such, WorkLife Law encourages advocates to organize around this principle, even if it is only politically feasible to enact legislation protecting caregivers from discrimination.

## Model Legislation

The legislation drafting process varies depending on state-specific legal and policy considerations. As such, the model language below is designed to act as a guide that can be useful in drafting a bill that fits your specific policy context. For example, your local or state laws may already contain certain definitions that should be used in the FRD law as well. Please contact us at [policy@worklifelaw.org](mailto:policy@worklifelaw.org) for more information in how to adapt our model for your situation.

Below you will find (1) a model standalone law, followed by (2) a model for amending an existing anti-discrimination law. See page 2 above for the considerations for deciding whether to adopt a *Standalone Law* v. *Amending an Existing Employment Discrimination Law*.

A downloadable text version of our model language is available [here](#).


## Standalone Family Responsibilities or Caregiver Discrimination Law

Our standalone model includes six sections. Note that we offer alternative language options in several of these sections. The options we provide first will create the most protective law. The second and third options are less protective, but may be more politically feasible, allowing you to take an incremental approach toward ensuring all workers have the full legal rights they need to care for their loved ones without losing their job.

### Section 1. Findings and Declarations

Edit the findings below to match the political climate in your jurisdiction, as well as the goals of your legislation.

The Legislature finds and declares that:

- Discrimination in employment prevents gainful employment, tends to impair the state's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions that are detrimental to the public safety, economic growth and general welfare of the State.
- In recent decades there has been significant growth in the number of people engaged in family caregiving, the number of hours they spend in caregiving, and their labor force participation rates.<sup>2</sup> The growth of the need for family caregiving is continuing to rise rapidly, as the US an increasingly aging, chronically ill, and disabled population. More people are living out their later years at home, and many families cannot find affordable childcare or long-term adult care options.<sup>3</sup>
- Seven in ten working-age caregivers for adults are engaged in paid employment.<sup>4</sup> Roughly 60 percent of two-parent households with children under the age of 18 have both parents working.<sup>5</sup> Almost one third of all family caregivers are caring for both children and aging  Caregivers in the workforce are represented widely among all demographic groups, though women, older adults, and Black and Latine people are most likely to be working family caregivers.<sup>6</sup>

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<sup>2</sup> *Caregiving in the U.S.*, AARP & National Alliance for Caregiving 6 (July 2025), <https://www.aarp.org/content/dam/aarp/ppi/topics/ltss/family-caregiving/caregiving-in-us-2025.doi.10.26419-2fppi.00373.001.pdf>.

<sup>3</sup> Debra Lerner, *Invisible Overtime: What Employers Need to Know About Caregivers*, Rosalynn Carter Institute for Caregivers 2 (Jan. 2022), <https://rosalynncarter.org/wp-content/uploads/2022/03/Invisible-Overtime-White-Paper.pdf>.

<sup>4</sup> *Caregiving in the U.S.*, *supra* note TK, at 3.

<sup>5</sup> *Burning the Candle at Both Ends: Sandwich Generation Caregiving in the U.S.*, National Alliance for Caregiving 2 (Nov. 2019), [https://caringacross.org/wp-content/uploads/2024/01/NAC\\_SandwichCaregiving\\_Report\\_digital112019.pdf](https://caringacross.org/wp-content/uploads/2024/01/NAC_SandwichCaregiving_Report_digital112019.pdf).

<sup>6</sup> Lerner, *supra* note TK, at 5.

- In addition to the immense societal benefit of caring for the young, aging, and disabled residents of our state, family caregiving activities benefit the state and national economies tremendously by lowering costs associated with providing care through government-funded programs, such as Medicaid and Medicare programs.<sup>7</sup> Unpaid caregivers provide billions of dollars in unpaid care annually.<sup>8</sup>
- Many caregivers find it difficult to find affordable care-related services for family members (such as childcare, home health aides, or transportation services).<sup>9</sup> The demands of family caregiving often place employees under financial strain, which can be exacerbated by job loss. While access to caregiver-friendly workplace benefits has improved in recent years, access remains uneven, with hourly workers far less likely to have access to paid leave, remote work, and other supportive policies.<sup>10</sup>
- Prohibiting employment discrimination against family caregivers and requiring supportive workplace policies ensures employees can meet their obligations to both their employers and the family members whom they care for.
- Caregiver discrimination laws also support employers by providing clarity about legal obligations and thereby reduce the need for lawsuits.<sup>11</sup> Employer support for family caregivers also increases employee retention, loyalty, and productivity.<sup>12</sup>

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<sup>7</sup> *Valuing the Invaluable: 2023 Update*, AARP Public Policy Institute 4 (Mar. 2023), <https://www.aarp.org/content/dam/aarp/ppi/2023/3/valuing-the-invaluable-2023-update.doi.10.26419-2Fppi.00082.006.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> *Caregiving in the U.S.*, *supra* note TK, at 3.

<sup>10</sup> *Id.*

<sup>11</sup> Liz Morris, Cynthia Thomas Calvert, & Jessica Lee, *Litigation or Clarification? The Impact of Family Responsibilities Discrimination Laws*, Center for WorkLife Law 7 (June 2021), <http://worklifelaw.org/wp-content/uploads/2021/07/Litigation-or-Clarification-The-Impact-of-Family-Responsibilities-Discrimination-Laws.pdf>.

<sup>12</sup> Priyanka Shah & Diane Ty, *Supporting Family Caregiving: How Employers Can Lead*, Milken Institute (Jan. 23, 2025), <https://milkeninstitute.org/content-hub/research-and-reports/reports/supporting-family-caregiving-how-employers-can-lead>.

## Section 2. Definitions

**“Employer”** means any person employing one or more employees for wages or any remuneration, or any person acting as an agent of an employer, directly or indirectly, the state or any political subdivisions of the state and cities. *[Note: if your jurisdiction already has an established definition of employer that is acceptable to you, it is typically better to use existing definitions. Ideally, you’ll want to include employers of all sizes.]*

**“Family Responsibilities”** means an employee’s actual or perceived provision of care to a family member, whether in the past, present, or future. *[Note: you may use similar language to define “caregiving responsibilities” or any other similar term your legislation uses.]*

**“Care”** means to engage in an activity to ensure a family member’s basic health, medical, hygiene, nutritional, developmental, financial management, transportation, housing, psychological, and/or safety needs are met; to assist a family member with activities of daily living; to coordinate third-party care or support services, medical care, or housing for a family member; and/or to provide emotional comfort or be physically present to provide emotional support to a family member with a serious health condition.

**You will also want to define “Serious Health Condition.”** We recommend doing so by cross-referencing the definition of that term in the federal Family and Medical Leave Act or a more-protective state-level equivalent.

**“Family”** has two options for definitions. *[See next page.]*



### Expansive Definition of Family:

**“Family member”** means a spouse, domestic partner, child, parent, grandchild, grandparent, sibling and any other individual related by blood or law or whose close association with the employee is the equivalent of a family relationship.

**“Spouse”** means a person to whom the employee is legally married or who is recognized as spouse, domestic partner, or other similar union under the laws of any state or jurisdiction.

**“Child”** means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a spouse of domestic partner, or a person to whom the employee stands in loco parentis.

**“Parent”** means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was under the age of 18.

**“Sibling”** means a person related to another person by blood, adoption, or affinity through a common legal or biological parent, including a spouse’s sibling.

### More Narrow Definition of Family:

**“Family member”** means a child under the age of 18, or an adult child, spouse, or parent who has a serious medical condition or for whom self-care is difficult due to disability or advanced age.

**“Spouse”** means a person to whom the employee is legally married or who is recognized as spouse, domestic partner, or other similar union under the laws of any state or jurisdiction.

**“Child”** means a biological, adopted, or foster child, a stepchild, a legal ward, a child of a spouse, or a person who the employee stands in loco parentis.

**“Parent”** means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was under the age of 18.

Learn more about inclusive definitions of “family” that are being used in the paid leave context in your state or nearby jurisdictions in [The Importance of an Inclusive, Realistic Family Definition from A Better Balance and Family Values @ Work](#).

### Section 3: Prohibited Acts

- (a) It shall be an unlawful employment practice for an employer, because of the family responsibilities of any otherwise qualified individual, to refuse to hire or employ such individual, to bar or discharge such individual from employment, or to otherwise discriminate against such individual in compensation or in terms, conditions, or privileges of employment; to limit, segregate, classify, or make any distinction in regards to employees based on family responsibilities; or to follow any employment procedure or practice which, in fact, results in discrimination based on family responsibilities without a valid business necessity.
- (b) It shall be an unlawful employment practice:
  - (i) For any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section, or because the person has complained, testified, or assisted in any complaint concerning a violation of this chapter.
  - (ii) For any person to cause or attempt to cause an employer to discriminate against an individual in violation of this chapter.
  - (iii) For any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter or attempt to do so.
- (c) It shall be an unlawful employment practice:

#### **To provide affirmative accommodation rights, use one of the options below.**

*Refer to “Including the Right to Reasonable Accommodations,” on page 4 to learn more about reasonable accommodations for caregiving, such as schedule changes and remote work.*

#### **Accommodation Option 1**

Provides the broadest right to accommodations for all family caregiving responsibilities.

- (c) It shall be an unlawful employment practice:
  - (i) For an employer to fail to make reasonable accommodation for an applicant’s or qualified employee’s needs related to family responsibilities that have been communicated to the employer, unless the employer can demonstrate that providing the accommodation would constitute an undue hardship.
  - (ii) For an employer to retaliate or otherwise discriminate against a person for requesting or using an accommodation under this subdivision, regardless of whether the request was granted.
  - (iii) For an employer to fail to engage in a timely, good faith, interactive process with an employee or applicant to determine effective reasonable accommodations for the

employee or applicant's known family responsibilities, in response to a request for reasonable accommodation by the employee or applicant.

- (d) An employer shall provide a timely written response to an employee or applicant who has requested reasonable accommodation under this section that states what accommodation will be provided, if any. If an employer denies the accommodation request, the response must include an explanation of the reason for denying the request. When an employer denies a requested accommodation, it shall engage in an interactive process as described in section 3(c)(iii) above.

**Additional Definitions for Accommodations Option 1:** You will want to define the terms “reasonable accommodation,” “qualified employee,” and “undue hardship.” It may be useful to do so by referencing the meanings of those terms in the federal Americans with Disabilities Act or a state-level equivalent. Relying on existing definitions and concepts can be useful when advocating for passage, because it communicates that the concepts are workable and familiar for employers.

## Accommodation Option 2

Provides the right to reasonable accommodations to employees arising out of the obligation to care for a minor child or adult with a disability, because of an unforeseen closure or unavailability of the care recipient's school or care provider. Messaging for this form of accommodation may tap into unforeseen needs stemming from climate disasters, such as floods or wildfires; natural disasters such as earthquakes; public health emergencies; and/or national security incidents - depending on what messaging might resonate in your political climate.

- (c) It shall be an unlawful employment practice:
  - (i) For an employer to fail to make a reasonable accommodation for an applicant or a qualified employee for their known obligation to provide care for their minor child or family member with a disability because of the unforeseen closure or unavailability of the family member's school or care provider, unless the employer can demonstrate that providing the accommodation is an undue hardship.
  - (ii) For an employer to retaliate or discriminate against a person for requesting accommodation under this subdivision, regardless of whether the request was granted.
  - (iii) For an employer to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations in response to a request for reasonable accommodation under this section.
- (d) An employer shall provide a timely written response to an employee or applicant who has requested reasonable accommodation under this section that states what accommodation

will be provided, if any. If an employer denies the accommodation request, the response must include an explanation of the reason for denying the request. When an employer denies a requested accommodation, it shall engage in an interactive process as described in section 3(c)(iii) above.

**Additional Definitions for Accommodation Option 2:** You will want to define the terms “reasonable accommodation,” “qualified employee,” and “undue hardship.” It may be useful to do so by referencing the meanings of those terms in the federal Americans with Disabilities Act or a state-level equivalent. Relying on existing definitions and concepts can be useful when advocating for passage, because it communicates that the concepts are workable and familiar for employers. Similarly, you may want to define the emergency incidents when accommodations may be required by cross referencing other laws, such as the circumstances when a state of emergency proclamation or disaster declaration is in effect.

### Accommodation Option 3a and 3b

These options provide an affirmative right to caregiving accommodations in situations where other similar employees are being accommodated for non-caregiving reasons. What does this mean in practice? Under options 3a and 3b, employers are not required to accommodate family caregiving needs in all situations; however, to the extent the employer offers an accommodation for non-caregiving needs, it will be required to do the same for caregiving needs. Although options 3a and 3b do not provide a right to accommodation if the employer does not have a practice of accommodating other employees, including one of these middle-ground options in your law may be useful to introduce the concept of accommodations for caregiving. Similar language under the 1978 Pregnancy Discrimination Act slowly normalized accommodation for pregnant workers, until they were affirmatively required by the 2022 Pregnant Workers Fairness Act.

Keep in mind that refusing to accommodate workers with family responsibilities might already be discrimination under the basic anti-discrimination protections outlined above when the refusal to accommodate is based on discriminatory intent – and the fact that others are being accommodated may be evidence of discriminatory intent. However, your law can go a step further than basic anti-discrimination protections by including one of the options below (3a or 3b).

#### Option 3a: Scheduling and location adjustments

(c) It shall be an unlawful employment practice:

- (i) For an employer to fail to adjust the schedule and/or work location when so requested by an employee with family caregiving responsibilities when the employer agrees to adjust the schedules and/or work locations of other

employees for non-caregiving reasons, unless to do so would impose an undue hardship.

**Option 3b:**

(c) It shall be an unlawful employment practice:

- (i) For an employer to fail to treat an employee with family responsibilities the same for all employment-related purposes as other employees similar in enough respects such that their situations can be reasonably compared.”

#### **Section 4: Private Right of Action**

See notes above under “Enforcement Mechanism” to learn more about the critical importance of this section.

- (a) An aggrieved person may commence a civil action in any court of competent jurisdiction within the State for violation of this chapter no later than three (3) years after the occurrence of the last incident giving rise to the claim of violation. If the alleged violation is continuing in nature, the civil action must be commenced within four (4) years after the most recent act or event giving rise to the claim.
- (b) Nothing in this chapter shall be construed to waive the right of any person to file a charge with any other agency with the legal authority to investigate or act upon the complaint.
- (c) Nothing in this chapter limits the right of an aggrieved person to recover under any other applicable law or legal theory.
- (d) If the court finds that a violation of this chapter has occurred, it may order injunctive and equitable relief as it may deem appropriate, and award compensatory and punitive damages, and reasonable attorney’s fees and costs. Compensatory damages include but are not limited to back pay, front pay, lost benefits and other economic losses incurred as a result of the violation, and emotional distress damages.

#### **Section 5: Notice**

An employer shall post in a conspicuous location and include in any employee handbook information noting the prohibition against family responsibilities discrimination [*and the duty to accommodate, if applicable*] under this law. Such information shall also be directly provided to employees upon commencement of their employment or request for family and medical leave [*cross reference your state family leave law, if applicable*]. The [*insert relevant state agency name: e.g. State Department of Labor*] shall draft and publish a model employer notice.



## **Section 6: Liberal Construction**

This section shall be deemed remedial and shall be liberally construed so as to effectuate its spirit and intent.

## **Model to Amend an Established Anti-Discrimination Law**

As described above in the section entitled “*Standalone Law v. Amending an Existing Employment Discrimination Law*,” you may choose to simply amend an existing anti-discrimination law to protect family caregivers. Once you’ve located your anti-discrimination law (i.e., your existing law that prohibits employment discrimination on the basis of sex, race, religion, etc.), you can add a new protected category that give rights to family caregivers. We recommend prohibiting discrimination on the basis of “family responsibilities” or “family caregiver status.” We urge you to avoid using the term “familial status” without providing an explicit definition of the term’s meaning. “Familial status” has been used in other contexts (such as the federal Fair Housing Act) and has often been narrowly defined to mean parents living with minor children. As discussed above, this does not reflect most caregiving today.

If you choose to amend an existing law, you will likely need to define “family responsibilities” or “family caregiver status” by amending the definitions section of your existing law. You can use the definitions provided in our standalone model above.

## **Additional Advocacy Materials**

For sample advocacy tools, impactful research, and other practical resources to support the passage of your caregiver anti-discrimination law, check out WorkLife Law’s collection at <https://worklifelaw.org/projects/family-caregiver-discrimination/policytools>.