

Job Protection and Leave:

What family caregivers need to know

Many family caregivers are nervous about taking time off work for caregiving—or even revealing that they are a caregiver. But family caregivers do have legal protections. This guide gives an overview of the protections family caregivers have when taking leave from work, and where to go if you need help.

Can my employer punish me for taking leave?

In California, the answer is no, you cannot be punished for taking leave when needed for family caregiving if the leave is covered by a law called the California Family Rights Act (CFRA). That law protects eligible caregivers' jobs for up to 12 weeks of leave each year. This law can apply even if you aren't using paid leave.

To be eligible for protection, you must:

- Work for an employer that has 5 or more employees
- Have worked for the employer for at least 12 months total (doesn't need to have been 12 months in a row)
- Have worked for the employer at least 1250 hours in the 12 months before taking leave. (That's roughly 25 hours per week.)

You also must take the leave to provide care.

What type of caregiving is protected?

Providing care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition can be covered under the law. You can also provide care for one designated person each year who is in a family-like relationship with you. A serious health condition is an illness, injury, impairment, or other physical or mental condition that involves being admitted to a hospital, hospice or other health care facility, or that involves continuing treatment by a health care provider. Conditions like dementia, inability to walk, and cancer are covered, but a cold probably would not be.

You are caregiving if you help a family member with a serious health condition by cooking for them, feeding them, helping them bathe, giving emotional support, keeping them safe,



shopping for them, making doctor's appointments, driving them to appointments and/or being with them during medical care.

How does the law protect me?

The CFRA makes it illegal for an employer to fire you for taking leave; they must bring you back to your position (or a virtually identical one) after your leave is over. Your employer also can't discourage you from taking leave or try to block you from taking leave that you are entitled to.

In addition, your employer can't punish you for taking leave. It would typically be illegal for your employer to give you lower performance ratings, deny you a promotion, cut your hours, or harass you because you took leave.

How do I apply for these protections?

To get job-protected leave, tell your employer you need leave to care for a seriously ill family member. If possible, tell them 30 days in advance, but if you don't have notice in advance, just tell them as soon as you can. Your employer will then likely give you forms to fill out, including a medical certification. If you need help filling out these forms, contact us.

What if I'm not eligible?

Even if you aren't eligible for CFRA leave, you may have rights to take time off work under local laws or employer policies. Contact us for more information.

I'm being treated unfairly at work because I'm a caregiver. What can I do?

Penalizing or firing a worker for taking leave to care for a family member can violate several laws. It can also be illegal to discriminate against workers because they provide care for a disabled family member, even if they don't take time off work. Asking for help as soon as possible can prevent problems from getting worse—contact us for help right away.

Need Help?

[WorkLife Law](#)'s helpline attorneys give free and private legal information to caregivers who need help with leave and work issues.

Email hotline@worklifelaw.org or leave a message at 415-703-8276.