

Protections for Workers with Caregiving Responsibilities

The New York City Commission on Human Rights is a resource to help you strengthen your business, become a more inclusive employer, and conform your employment practices to comply with the New York City Human Rights Law. This document provides information regarding new protections for employees and job applicants with caregiving responsibilities, an important change in the law affecting your hiring and decision-making processes.

Starting May 4, 2016, it is a violation of the New York City Human Rights Law to treat employees or job applicants who have caregiving responsibilities differently than other employees.

Under this new provision, employees or job applicants cannot be discriminated against if:

- They are a parent with a child under the age of 18, including adopted or foster children, and provide direct and ongoing care for that child;
- OR
- They provide direct and ongoing care to a parent, sibling, spouse, child (of any age), grandparent, or grandchild with a disability or a person with a disability who lives with them, and that person relies on them for medical care or to meet their needs of daily living.

Employees and job applicants cannot be discriminated against because of their caregiving responsibilities.

Caregiver discrimination occurs when employment decisions are based on caregiver status, which includes, but is not limited to, deciding not to hire or promote someone because, for example:

- He or she has children at home;
- He or she has a sick spouse;
- He or she is a foster or adoptive parent;
- He or she is a single parent;
- Based on the belief that someone with children or caring for a relative with a disability will not be a reliable employee;
- Based on the belief that mothers should stay home with their children.

Does this new law cover my business?

All employers that have **four or more employees** in New York City are covered by the New York City Human Rights Law, including this new provision of the law. Owners count as one of the four employees. The four employees do not need work in the same location, and they do not need to all work in New York City, as long as one of them works in New York City.

Which employees are protected?

Employees are protected if they work full-time or part-time, if they are an intern (paid or unpaid), and whether or not they have work authorization documents. Most independent contractors are also protected.

What is prohibited?

- Employers cannot refuse to hire, fire, or otherwise discriminate against job applicants or employees in the terms, conditions, or privileges of employment because of their caregiving responsibilities.

- Employers cannot provide certain benefits, like flexible scheduling, to some employees and refuse to provide the same benefits to employees who request them because of their caregiving responsibilities.
- Employers cannot publish an advertisement or job posting stating any limitation on who they will hire based on applicants' caregiving responsibilities.

What is NOT prohibited

- Employers do NOT have to offer accommodations to employees because of their caregiving responsibilities. For example, employers are not required to change an employee's shift or allow them to leave work early just because they have caregiving responsibilities. Employers CANNOT, however, deny these benefits to employees with caregiving responsibilities if they provide these benefits to other employees.

To learn more, visit nyc.gov/humanrights. You can learn more about your responsibilities as an employer under the New York City Human Rights Law and sign up for a free workshop.