

NEW YORK CITY BANS DISCRIMINATION BASED ON CAREGIVER STATUS

Labor & Employment Alert
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On December 16, 2015, the New York City Council amended the New York City Human Rights Law (NYCHRL) to include “caregiver status” as a protected class. The amended NYCHRL will prohibit discrimination on the basis of an employee’s actual or perceived status as a caregiver.

The amended NYCHRL defines “caregiver” as “a person who provides direct and ongoing care for a minor child or a care recipient.” A “care recipient” is an individual with a disability who:

1. Is a covered relative, or a person who resides in the caregiver’s household, and
2. Relies on the caregiver for medical care or to meet the needs of daily living.

The amended NYCHRL further defines “covered relative” as a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild, grandparent, child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver.

In introducing the amendment to the NYCHRL, Gale Brewer, Manhattan borough president, testified that legislation was needed to combat discrimination on the basis of family responsibilities, which can occur when employees with caregiving responsibilities are treated less favorably due to a perception that they may be less committed to their work because of their external obligations. Ms. Brewer urged the City Council to amend the NYCHRL to require employers to reasonably accommodate workers with certain needs related to the care of dependent people with disabilities, parental involvement in a child’s education, and childcare or eldercare emergencies.

The amendment to the NYCHRL will take effect on April 14, 2016, 120 days after its enactment, although the City Commission on Human Rights is authorized to take any action necessary, prior to the effective date, to implement the amended law.

Employers covered by the NYCHRL should review their policies and procedures, and train managers on how to evaluate and respond to requests for accommodations from “caregivers.” In addition, employers should consult with counsel before taking adverse employment action against employees who might be caregivers, as defined by the NYCHRL.

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For more information, please contact any one of our labor and employment attorneys.

