PREFACE

Case law in this supplement is current as of March 2016.
Statutory law is current as of June 2016.

Since the publication of *Family Responsibilities Discrimination*, discrimination against family caregivers has grown as a concern for both employers and employees. New state laws, groundbreaking court opinions, and changing societal attitudes have intensified the spotlight on employees who care for family members and those who manage them. Major developments include:

- **New state and local laws that prohibit family responsibilities discrimination.** New York and Minnesota have joined the more than 90 jurisdictions that have expressly made FRD illegal. New York City also joined the list, enacting one of the broadest prohibitions in the country. At least four more states are considering FRD bills.

- **The U.S. Supreme Court decision strengthening employers' obligation to accommodate pregnant employees.** In *Young v. United Parcel Service*, the Court held that employers who accommodate nonpregnant employees must accommodate pregnant employees unless they have a strong reason for not accommodating that outweighs the burden of nonaccommodation on the pregnant employees. The practical effect of the Court’s test for when discrimination occurs is that most employers will accommodate most pregnant employees, as shown by employers’ policies, legal commentators, and lower court opinions.

- **Growing acceptance of employees’ family responsibilities** that has led to implementation of new employer policies providing paid parental leave, new state laws requiring pregnancy and breastfeeding accommodation, and new state and local laws requiring paid sick leave that can be used to care for family members.

- **A study by the Center for WorkLife Law** showing that the number of FRD cases is rising faster than other types of employment cases, and that plaintiffs win 75 percent of the cases that go to trial. It also found that the percentage of FRD plaintiffs who are male is rising, and discusses the rise in the number of discrimination complaints involving issues based on eldercare.

This supplement discusses these developments and the recent FRD case law. It also adds a new chapter on representing employees who provide eldercare, a new section on breastfeeding, and provides more detail about how FRD is being addressed under the laws of each state.
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We welcome comments and questions from our readers, which can be sent to us through the websites of the Center for WorkLife Law, Workforce 21C, and Mitchell & Sheahan, P.C.

CYNTHIA THOMAS CALVERT  
Ellicott City, MD

JOAN C. WILLIAMS  
San Francisco, CA

GARY PHELAN  
Stratford, CT