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## Kuehl Introduces Legislation Barring Employment Discrimination Based On “Familial Status”

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(Sacramento) Today Senator Sheila Kuehl (D-Santa Monica) introduced SB 836(Kuehl) which adds familial status to the list of prohibited bases for employment discrimination in the Fair Employment and Housing Act. Discrimination on the basis of familial status is currently prohibited under the housing provisions of the Fair Employment and Housing Act. Several other states and localities also prohibit some form of familial status discrimination in employment.

Several recent studies have shown that employees who care for a family member, such as a child or an aging parent, are more often passed over for promotion, denied leave, or forced out of their jobs, and even in some cases told by their employers that their familial status was the reason for an adverse employment action. In many cases, discrimination on the basis of familial status does not have a basis in behavior, but is driven by stereotypes about how caregivers will or should behave—for example, that a parent will be less committed to his or her job.

“Not very long ago, it was not uncommon for women to have to sign employment contracts that terminated their employment if they married or had a child, because it was presumed that a woman could not have a family and be a good employee,” said Senator Kuehl. “While it is now illegal for an employer to discriminate against any employee because of their marital status, there is still no explicit protection in California law against discrimination in employment on the basis of familial status.”

In one study which will be published next month in the *American Journal of Sociology*, researchers at Cornell University found that female applicants who were also mothers were 44 percent less likely to be hired than non-mothers with the same resume, experience, and qualifications. They were also offered significantly lower salaries than non-mothers. Though simply being a father does not seem to disadvantage male employees as much as being a mother disadvantages female employees, male employees who seek to take an active role in caring for their children or other family members are often severely penalized at work as well. In *Tisinger v. City of Bakersfield*, a single father who was a firefighter was passed over for a promotion, though he was next in line on the eligibility list, solely because he was caring for his child.

“Today’s families are under enough pressure,” said Senator Kuehl. “No one should have to worry about losing their job just because they are taking care of their family.”

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