

Parents and caregivers often need flexibility in the workplace to meet the competing demands of work and family. Questions often arise when an employee is nervous about asking for changes, or an employer is unwilling to provide them. Below are some questions that we commonly hear from the workers who contact our [helpline](#).

Do I have the right to work from home or adjust my work schedule to meet my caregiving responsibilities?

- Unfortunately, there are no federal laws that currently guarantee you the affirmative right to a flexible schedule or the ability to telework in order to meet your caregiving responsibilities (but see the following questions, and visit our [Workplace Rights Hub](#) for information about specific laws in your state).
- Some states (New Hampshire, Oregon, and Vermont) and several cities (Chicago, Emeryville, New York City, Philadelphia, San Francisco, and Seattle) have laws that allow you to **request** a change to your schedule (like different hours) without being retaliated against, including for caregiving reasons.
- Some cities' laws also give you the right to **receive** a requested schedule change if it's needed for certain personal or caregiving reasons. (Note: these laws can be limited. For instance, in [New York City](#), workers are only entitled to two *temporary* schedule changes per year for personal events.)

Am I entitled to scheduling flexibility as a workplace accommodation?

- If you are pregnant, recovering from childbirth, breastfeeding, or have other pregnancy-related medical needs you may have a right reasonable accommodations to allow you to continue working safely if you work in one of 30 states and 5 localities that have [pregnant worker fairness laws](#).
- If you have a disability (as defined by the Americans with Disabilities Act or a state disability law), your employer is generally required to make reasonable accommodations to allow you to stay healthy on the job, which can include [leave](#), the ability to telework, or modifying your schedule.
- If non-caregivers are offered accommodations (like the ability to work from home) that are refused to caregivers, this could violate anti-discrimination laws in a number of [states and localities](#) that guarantee you a right to be free from discrimination due to the fact that you are a parent or family caregiver. It may also violate federal law if only mothers or fathers are punished for their caregiving at work.
- For more information on pregnancy and disability accommodation laws in your state visit our [Workplace Rights Hub](#).

How should I approach my employer to ask about telework or changes to my schedule to meet my caregiving needs?

- Offer specific suggestions that are tied to your needs – i.e., “I’d like to work from home two days per week because my child will be remote schooling on those days.”
- Emphasize how this will improve your ability to focus and be productive, because you’ll be able to meet both your work and caregiving responsibilities.
- Be open to alternative proposals from your employer; it may require some back-and-forth to land on a solution that works for everyone.

What if I need time off because my child’s school or care facility is closed?

- If your child’s school or place of care is closed or unavailable due to the coronavirus, your employer may be eligible for [tax credits through the American Rescue Plan](#) through September 30, 2021 if they provide you with leave.
- Some states and cities have passed [emergency leave laws](#) that guarantee workers the right to paid sick leave for certain specified reasons related to COVID-19.
- Many state and local paid sick leave laws allow you to use your sick time when [your child’s school is closed for a public health emergency](#).

What if I need time off because I get sick, or am caring for a loved one who is sick?

- If you work in one of the 14 states, D.C., and dozens of localities that have [paid sick time laws](#), you may have a right to paid sick time that covers time to care for yourself or a loved one who is sick or getting medical care, whether in relation to the coronavirus or for ordinary health needs.
- If you work in one of the several states that have [passed paid family and medical leave laws](#), you may have the right to paid family leave that can be used when you or a loved one are seriously ill.
- Additionally, if you are covered, you may be able to take unpaid—but job-protected—leave under the federal [Family and Medical Leave Act \(FMLA\)](#) for your own serious health condition, or to care for a parent, child, or spouse with a serious health condition. This leave can be used continuously or intermittently (i.e., in small blocks of time).

Which states and localities prohibit caregiver discrimination?

See [here](#) for a list of states and localities that currently offer explicit protection against discrimination for caregivers under their employment discrimination laws. In these states and localities, employers cannot penalize you or treat you differently because you are a caregiver (e.g. by firing you or cutting your hours or failing to promote you).

Federal law also recognizes that caregiver discrimination can sometimes be a form of [sex discrimination](#).

What does caregiver discrimination look like?

For caregiver discrimination to be illegal, your employer's behavior generally has to have some kind of negative effect on the "terms or conditions" of your employment. This can include not being hired, being demoted or fired, changes to your job role and responsibilities, changes to your schedule or job location, changes to your pay, or failure to get a promotion because of your status as a parent or caregiver. It can also include disparaging comments and harsh treatment that is directed at you because of your caregiving responsibilities, if the treatment is severe and/or pervasive enough to create a hostile working environment.

For example:

- It could mean your employer doesn't promote you because they assume you're not interested in the position because you have young children and wouldn't be willing to travel.
- It could mean your boss subjects you to additional scrutiny and constant criticism upon learning that you have a child with special needs or elderly parent for whom you provide care, suddenly questioning your commitment to your work.
- It could mean your boss pays a non-parent with similar training and work experience more than you.

For more information, contact A Better Balance's free legal helpline at **1-833-NEED-ABB** or visit us [online](#).

A Better Balance uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security. We are a national leader in standing up for workers' rights.

The information contained in this document does not constitute legal advice. It is always advisable to consult with an attorney about your individual circumstances if you have questions or think your rights as a worker have been violated.