



## JOB DISCRIMINATION BASED ON FAMILY STATUS

The Chicago Human Rights Ordinance prohibits discrimination against employees and job applicants based on their type of family membership. This includes discrimination against women who become pregnant (sex discrimination), men or women whose dependent minor or disabled children live with them (parental status discrimination), and people who are or are not married (marital status discrimination).

**A few examples** of prohibited discriminatory conduct—

- A policy or practice which limits job opportunity because of pregnancy, childbirth, or related conditions.
- Firing an employee because she has become pregnant.
- Refusing to hire because the applicant lives with dependent minor or disabled children.
- Giving preference to married job or promotion candidates over those who are unmarried.
- Failing to offer leave for a temporary disability resulting from pregnancy, miscarriage, or abortion while offering leave for other temporary disabilities.
- Denying leave for child-rearing purposes while allowing it for other purposes in similar circumstances.
- Maintaining less favorable compensation, benefits, or performance standards based on pregnancy, parental status, or marital status.

**Pre-Employment Inquiries:** A prospective employer may not ask a job candidate for information which directly or indirectly expresses an intent to discriminate based on pregnancy, parental status, or marital status. Employers must avoid questions about a candidate's current family status or future plans unless asked in good faith for a non-discriminatory purpose.

**Accommodation Not Required:** The Human Rights Ordinance does not require employers to provide accommodations, or more generous benefits, to employees who are pregnant or caring for dependent children. Reasonable accommodation is required only for disability and religion. The law *does* require equal treatment under similar circumstances, regardless of one's pregnancy, parental status, or marital status.

**Penalties** for violations of the Human Rights Ordinance include—

- Fines of \$100 to \$1,000 per incident, paid to the City.
- Damages and attorney fees, paid to the complaining party.
- An injunction ordering specific actions to eliminate discriminatory practices.

Some of these types of conduct are also prohibited by state or federal laws against discrimination, while other are not. A finding of discrimination may affect the continued licensure of a business by the City of Chicago as well as City contractor or vendor status.

A person who claims to have been subjected to discrimination within the City of Chicago may file a discrimination complaint at the Commission on Human Relations. The Commission investigates and rules on each discrimination complaint through a neutral process which gives complainants and respondents the opportunity to present evidence and legal arguments to support their positions.

See the back of this flyer for selected ordinance and regulation provisions. For more information, see [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations).

## SELECTED LEGAL PROVISIONS

### PREGANCY, PARENTAL STATUS & MARITAL STATUS DISCRIMINATION IN EMPLOYMENT

#### **Chicago Human Rights Ordinance, Section 2-160-030**

No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, credit history or source of income....

#### **CCHR Reg. 320.100 Pre-Employment Inquiries**

Any pre-employment inquiry in connection with prospective employment which expresses, directly or indirectly, any limitation, specification or discrimination as to membership in a Protected Class (see Reg. 100(26)) shall be unlawful unless based on a bona fide occupational qualification. An employer may not, for example, make inquiry about the parental status of an applicant for employment. However, a pre-employment inquiry may, for example, ask an applicant to designate his/her gender or may solicit the applicant's preferred designation as "Mr.," "Mrs.," or "Ms.," provided that the inquiry is shown to be made in good faith for a non-discriminatory purpose.

#### **CCHR Reg. 335.100 Prohibition of Discrimination**

A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth or related medical conditions is a *prima facie* violation of the HRO. It shall also be a *prima facie* violation of the HRO for an employer to discharge an employee because she becomes pregnant.

#### **CCHR Reg. 335.110 Disabilities Caused by Pregnancy or Childbirth**

Disabilities caused or contributed to by pregnancy, childbirth, or related medical conditions for all job-related purposes, shall be treated the same as disabilities caused or contributed to by other covered medical conditions, under any health or disability insurance or sick leave plan available in connection with employment. Written or unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy, childbirth or related medical conditions on the same terms and conditions as they are applied to other disabilities.

#### **CCHR Reg. 335.120 Temporary Disabilities**

Temporary disability resulting from pregnancy, miscarriage, abortion, childbirth and recovery therefrom must be considered by an employer offering leaves for other temporary disabilities to be a justification for a leave of absence for a female employee. The terms and conditions of pregnancy-related disability leaves of absence may not be more restrictive, and need not be more generous, than those applied to disability leaves for other purposes.

#### **CCHR Reg. 335.130 Non-Disability Leaves**

Non-disability leaves of absence for the purpose of child-rearing shall be granted on the same terms and conditions applied to other non-disability leaves of absence. An employer's policy or practices regarding leaves for child-rearing must be applied equally to male and female employees.