



THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

Testimony in SUPPORT of HB 724: Employment Discrimination - Caregiver Status

Summary: HB 724 would amend Maryland’s employment anti-discrimination law ([Md. Code Ann., State Gov’t § 20-606](#)) to add “caregiver status” as a protected class, prohibiting discrimination against workers and job applicants because of their current or perceived responsibilities to care for a dependent family member or loved one in a “familial relationship” as determined by the Maryland Commission on Civil Rights (MCCR).

Overview: Under current Maryland law, employers are prohibited from discriminating based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, military status, or disability ([Md. Code Ann., State Gov’t § 20-606 \(2024\)](#)). However, there is no explicit protection against discrimination for individuals who provide care to family members, children, aging parents, or other dependents.

Without such protections, caregivers, predominantly women, face significant workplace bias. Employers may deny promotions, reduce hours, or refuse to hire applicants they perceive as less “flexible” due to caregiving responsibilities. Studies show that “family responsibilities discrimination” disproportionately affects women, single parents, and employees of color, who are more likely to shoulder caregiving burdens for children, elders, and family members with disabilities ([Center for WorkLife Law, “Family Caregiver Discrimination”, 2024](#)).

While Maryland law defines “caregiver” in several contexts, such as family caregiver ([Human Services § 10-701](#)), kinship caregiver (Family Law § 5-534), and lay caregiver ([Health-General § 19-380](#)), none of these definitions currently provide employment discrimination protection.

Other jurisdictions have already acted:

- Delaware prohibits discrimination based on “family responsibilities,” tied to the Family and Medical Leave Act ([29 U.S.C. § 2612](#)) ([Del. Code Ann. tit. 19, § 711\(l\)](#)).
- California and New York City have broader definitions, protecting employees who care for a wide range of relatives and “designated persons,” including those with family-like relationships ([Cal. Gov’t Code §§ 12945.2–12945.7](#); [N.Y.C. Admin. Code §§ 8-102, 8-107](#)).



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- The District of Columbia includes “family responsibilities” among its protected categories ([§ 2-1402.11](#)).

Maryland, by contrast, provides no such protection, leaving workers vulnerable to bias for simply fulfilling family or caregiving duties.

Adding “caregiver status” to Maryland’s anti-discrimination law would align the state with national best practices and reinforce the constitutional principle that all Marylanders are entitled to equal opportunity and economic security regardless of family structure or caregiving role

HB 724 recognizes the profound impact of caregiving and creates a comprehensive recognition of the diverse situations and relationships between caregivers and those needing care, spanning children, elders, individuals with physical, mental, or developmental disabilities, veterans, and those with chronic illnesses.

This legislation proposes to amend Maryland’s employment anti-discrimination law ([Md. Code Ann., State Gov’t § 20-606](#)) to include “caregiver status” as a protected class. The amendment would make it unlawful for employers to discriminate in hiring, firing, compensation, or other terms and conditions of employment based on an individual’s caregiving responsibilities.

The proposed approach would include the following components:

1. Add “Caregiver” to the List of Protected Classes

- **Proposed Amendment:** Insert “caregiver status” into the existing list of protected categories in [Md. Code Ann., State Gov’t § 20-606\(a\)\(1\)](#).
- **Effect:** It would be unlawful for an employer to “fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of the individual’s caregiver status.”
- **Comparable Law:** This mirrors language in [N.Y.C. Admin. Code § 8-107\(1\)\(a\)](#), which lists “caregiver status” alongside other protected traits such as race, gender, and marital status.

2. Define “Caregiver”



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- **Definition:**
 - “Caregiver” means a person who provides direct and ongoing care for either:
 - (a) A minor child, or
 - (b) A care recipient, defined as a person with a disability who relies on the caregiver for medical care or assistance with daily living.
 - “Covered Relationships”: The term “care recipient” shall include a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild, grandparent, parent-in-law, or any other individual in a familial relationship as recognized by the Maryland Commission on Civil Rights. This means that beyond legally defined family members (like spouse, parent, child, sibling, grandparent, etc.), the MCCR may recognize other significant personal relationships that resemble family bonds—for example, a close friend, a long-term partner not legally recognized, or a chosen family member—when assessing whether discrimination related to caregiving for that person is unlawful.
- **Rationale:** This approach provides a clear and inclusive definition, reflecting modern family structures while maintaining administrative simplicity.

3. Establish Scope of Coverage

- **Employment Context:** The protections will apply to all employers already subject to Maryland’s anti-discrimination law, both public and private.
- **Prohibited Conduct:** Includes adverse actions such as failure to hire, termination, demotion, unequal pay, or retaliation related to a person’s caregiving responsibilities.

4. Alignment with Existing Maryland Policy Goals

- **Policy Consistency:** This proposal aligns with Maryland’s goals of promoting gender equity and family stability, as recognized in the Maryland Equal Pay for Equal Work Act ([Md. Code Ann., Lab. & Empl. § 3-301 et seq.](#)) and the Time to Care Act of 2022 ([Family and Medical Leave Insurance Program](#)).



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- **Equity Advancement:** By adopting a comprehensive definition of caregiver, Maryland will join other jurisdictions, including New York City, California, and Delaware, in ensuring that employment opportunities are not restricted by family care responsibilities.

Additionally, there is a clear benefit to communities of color. Communities of color in Maryland, particularly Black and Latina women, shoulder a disproportionate share of family caregiving responsibilities while simultaneously facing higher risks of employment discrimination tied to caregiving. This inequity is well documented in national research on family caregiving and workplace bias.

According to the AARP and National Alliance for Caregiving (2020), nearly 14% of the 53 million U.S. family caregivers identify as Black, and these caregivers provide more hours of unpaid care per week, often averaging 30 hours or more, than caregivers of other racial or ethnic groups. Over 64% of Black caregivers report being employed while providing care, creating an ongoing conflict between caregiving duties and job security ([Lifework at Arizona, "Black History Month: Honoring Generations of Family Caregivers", 2025](#)). Similar trends are observed among Latina caregivers, who are more likely to care for extended family and less likely to have access to paid leave or workplace flexibility ([Colorado Health Institute, "An Overlooked Workforce", 2024](#)).

A national study published in the Journal of Clinical Oncology (2022) found that Black and Hispanic caregivers provided more intensive care, spending more hours per week and performing more activities of daily living, than White caregivers, with higher financial strain and emotional distress as a result ([National Library of Medicine, "Racial and ethnic disparities in cancer caregiver burden and potential sociocultural mediators", 2022](#)). This increased caregiving intensity, combined with racial inequities in income and workplace support, means that workers of color are more likely to experience negative employment impacts when balancing job and family responsibilities.

Data from the University of Minnesota's Institute on Community Integration (2023) shows that 90% of family caregivers report at least one negative employment consequence, such as tardiness, reduced hours, or turning down promotions, due to caregiving duties ([ICI Publications, "The Employment Impacts of Being a Family Caregiver", 2023](#)). Because workers of color are



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overrepresented in lower-wage or inflexible jobs, they face greater vulnerability to punitive actions or terminations when caregiving interferes with rigid work schedules.

The Center for WorkLife Law identifies this pattern as “family responsibilities discrimination (FRD),” which disproportionately affects women, people of color, and low-wage workers. These employees are more likely to face workplace stereotypes questioning their “commitment” or “availability” if they have caregiving duties ([WorkLife Law, "Family Caregiver Discrimination", 2024](#)). The U.S. Equal Employment Opportunity Commission (EEOC) has similarly recognized that caregiver discrimination frequently intersects with race and gender, compounding bias, for instance, when employers assume that Black women caregivers are less dependable or more distracted due to family responsibilities ([EEOC, "The COVID-19 Pandemic and Caregiver Discrimination Under Federal Employment Discrimination Laws", 2022](#)).

Further, research from the National Partnership for Women & Families (2023) demonstrates that caregivers of color often face greater economic hardship due to lost wages and limited access to paid leave, deepening racial and gender wealth gaps ([National Partnership, "Paid Family and Medical Leave: A Racial Justice Issue – and Opportunity", 2023](#)). Without explicit legal protections, these intersecting barriers perpetuate cycles of economic insecurity, particularly among Black, Latina, and immigrant women who serve as primary breadwinners and caregivers.

Conclusion: In sum, this legislation directly addresses a critical gap in Maryland’s anti-discrimination law. It recognizes that caregiver discrimination is also affected by racial and gender discrimination and that meaningful protection for caregivers is essential to building equitable workplaces and stronger communities across the state.