

GUIDELINE ON FAMILY STATUS

The New Brunswick *Human Rights Act* (Act) prohibits discriminatory treatment based on family status in five areas: employment, housing, services, publicity, and associations.



The ground of family status prevents discrimination against persons who:

- Are caregivers to a child, an older parent, or other family members;
- Have children or a family or do not have children or a family;
- Are related to a particular person or family or are in a family relationship with someone; and
- Are perceived by others to have any of these traits.



MEANING OF “FAMILY” UNDER THE ACT

Under human rights law, a person would have “family status” if they:

Are related to another person through blood, marriage, adoption, or legal guardianships

OR

Have such a close relationship or emotional bonds with someone that the relationship is familial in nature

Note: Anyone who claims family status protection must show that a family relationship exists.

Friends, roommates, babysitters, hired caregivers, or similar people are not considered “family” under the Act, unless there are familial bonds in those relationships.

WHAT IS A “FAMILY CAREGIVING OBLIGATION”?

The family status protections of the Act cover people who have an obligation to provide care for a family member like a child, an elderly parent, or a sibling with a disability.

Examples of a caregiving obligation

- Making sure a child is not left in an unsupervised or unsafe situation;
- Attending to the medical needs of a child or family member (like taking a child or family member to medical appointments or therapy);
- Making sure a family member with a disability is safe (like the obligation to feed an elderly parent with Alzheimer’s); or
- Attending important life events (like a child’s graduation ceremony).



Activities that are *not* caregiving obligations

- A family vacation, trip, or activity – even if it’s scheduled in advance;
- Birthdays, holidays, or recreational time with a child or family member;
- Volunteering for a child’s activity (like being a chaperone on a school field trip); or
- Attending a game for a child or family member’s sports team.



EXAMPLES OF FAMILY STATUS DISCRIMINATION



In employment

Refuse to hire or continue to employ someone because they are related to a particular person (like a current or former employee, a client, or someone with a disability) or because they have a caregiving obligation to a family member.



In housing

Refuse to rent or sell property to someone because they have children or a family member under their care or because they are related to a particular person (like a current or former employee or tenant or a person with a disability).



In services

Refuse service (for example, in a store, restaurant, school, or government program) or treat someone negatively in a service because they are related to a particular person or have children or a family member in their care.



In associations

Deny membership or limit opportunities or benefits for someone in a professional, business or trade association because of their family status.

DUTY TO ACCOMMODATE PERSONS WITH FAMILY STATUS

Under the *Act*, **employers, housing, and service providers have a duty to accommodate** the reasonable requests for accommodations from persons who have family status obligations.

Accommodations must not violate the dignity and privacy of persons, they should be individualized to meet specific situations, and they should support the inclusion of persons in employment, housing, or services, etc.



WHAT IS UNDUE HARDSHIP?

If providing a requested accommodation is too difficult, the accommodation provider may deny the request. **Undue hardship must be assessed on a case-by-case basis.** Generally, undue hardship is reached **if the cost of accommodation is too high, the accommodation would cause serious disruption to a business, or it would pose health and safety risks to employees, customers, tenants, or the general public.**

It is the duty of employers, housing, or service providers to **show with evidence** (for example, financial assessments) that they had reached the point of undue hardship for an accommodation request.

Learn more about family status and human rights by consulting our **"Guideline on Family Status":**

<https://bit.ly/familystatus>



DO YOU HAVE QUESTIONS? CONTACT THE COMMISSION.

The New Brunswick Human Rights Commission is a government agency that ensures the human rights of all New Brunswickers are protected under the *Act*. If you want to learn more about your rights and responsibilities related to family status, contact the Commission. The Commission provides free information about your rights and will help you if you face discrimination.

If you think you have experienced discrimination, please contact the Commission.

YOU CAN REACH US AT:

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www.gnb.ca/hrc-cdp

(506) 453-2301