WHY IS MARITAL STATUS DISCRIMINATION AN IMPORTANT POLICY ISSUE?

“Common sense dictates that hiring decisions should be made on a person’s qualifications and work history, not on a person’s marital status or whether or not she or he is a single parent. No one, much less single mothers trying to make lives better for their families, should be subject to such harassment.”

— Rep. Craig Dally of Pennsylvania

WHAT IS MARITAL STATUS DISCRIMINATION?

Marital status discrimination occurs when a person or persons are granted or denied certain rights based on their marital status. Marital status discrimination is not restricted to a certain gender or sexual orientation, although it may impact certain populations more than others.

DID YOU KNOW?

- 95.9 million Americans 18 years of age and older were unmarried in 2008, up from 37.5 million in 1970 (U.S. Census, 2009).
- Unmarried employees make up over 40% of the full-time workforce (Casper, 2007).
- Currently, 13 states have domestic partnership, civil union, or same-sex marriage statutes (CA, CT, HI, IA, MA, ME, NH, NJ, NV, OR, VT, WA, WI). However, these statutes vary in coverage and do not always include heterosexual couples.

SITES WITH MORE INFORMATION

Alternatives to Marriage Project - http://www.unmarried.org
Institute for Unmarried America - http://www.unmarriedamerica.org

SUGGESTED READINGS


HOW DOES MARITAL STATUS DISCRIMINATION AFFECT WORKERS AND EMPLOYERS?

FOR WORKERS:
Several findings suggest that employees may be treated differently based on their marital status:
- Married men are paid more and are offered promotions more often than single men, even when controlling for work performance and seniority.
- Employers are often able to subsidize health benefits for spouses and sometimes domestic partners, while offering no additional compensation for unmarried or single employees.
- Work-family policies are often written to address married employees with children (i.e., dependent care allowances and parental leave). Moreover, flexible work schedules are more often available to employees from dual-earner families with children.
- Unmarried workers and single workers without children are expected to travel more for work; they also feel that they have to work at times that are not expected for working parents. In addition, parents are more likely to get time off from work than nonparents.

FOR EMPLOYERS:
Emerging research on marital status and the work environment of singles shows that providing work-life programs to a wider array of employees can be beneficial to employers by:
- Reducing turnover, increasing job satisfaction and productivity, and attracting a more diverse applicant pool
- Decreasing benefit costs through flexible benefit plans
- Increasing employees’ perception of fairness and thus preventing discrimination lawsuits based on marital status

HOW HAVE STATES RESPONDED TO THIS ISSUE?

Under federal law, only the Civil Service Reform Act of 1978 protects federal employees from discrimination based on marital status. The Equal Employment Opportunity Act does not. However, 21 states (AK, CA, CT, DE, FL, HI, IL, IN, MD, MI, MN, MT, ND, NE, NH, NJ, NY, OR, VA, WA, WI) and the District of Columbia offer protection against discrimination in employment based on marital status.

WANT MORE INFORMATION?

http://wfnetwork.bc.edu/pdfs/policy_makers21.pdf