

Zdenka Šadl

INFORMAL CARE FOR THE ELDERLY: A NEW FRONTIER OF DISCRIMINATION IN EMPLOYMENT AND THE LABOUR MARKET

ABSTRACT

The article deals with the discrimination of workers who are responsible for caring for elderly family members. Some basic questions emanating from carers' discrimination in the light of workplace norms, organisational culture, policies for coordinating care and work, the gendered nature of informal eldercare, and anti-discrimination legislation are posed. A review of the literature shows that both female and male carers are exposed to discrimination and that the fundamental sources of discriminatory behaviour include stereotypes of working carers, their taking or requesting of flexible working arrangements and leave to care for a family member, a lack of, or inadequate, work–care reconciliation policies, and deficiencies in the law.

KEY WORDS: *informal family care, working carers, eldercare, discrimination, work–care conflict*

Neformalna družinska oskrba starejših: novo področje diskriminacije pri zaposlovanju in na trgu dela

IZVLEČEK

Članek se ukvarja z diskriminacijo zaposlenih z oskrbovalnimi obveznostmi do starejših družinskih članov. Zastavlja nekatera temeljna vprašanja diskriminacije oskrbovalcev v povezavi z normami delovnega mesta, organizacijsko kulturo, politikami usklajevanja oskrbe in dela, spolno označenostjo družinske neformalne

oskrbe starejših in protidiskriminacijsko zakonodajo. Pregled literature kaže, da so diskriminaciji izpostavljene tako ženske kot moški in da so med temeljnimi viri diskriminatornega ravnanja stereotipi o zaposlenih oskrbovalcih, uporaba in prošnja po prožnih ureditvah dela in dopustu za namen oskrbovanja družinskega člana, pomanjkanje ali neustrezne politike usklajevanja dela in oskrbe ter nezadostni zakoni.

KLJUČNE BESEDE: družinska neformalna oskrba, zaposleni oskrbovalci, oskrbovalci starejših, diskriminacija, konflikt oskrba–delo

1 Introduction

Carers' discrimination or family responsibility discrimination (hereinafter FRD) is a form of employment discrimination that has been recognised only in recent decades. A relatively new term FRD was coined by the Center for WorkLife Law to cover both, the numerous kinds of discrimination on the basis of family responsibilities and a growing number of suits against employers for discriminating against informal family carers (hereinafter IFCs) (Calvert 2016).¹ The discrimination of working carers (and parents) in the labour market is a global social problem (see, for example, Von Bergen et al. 2008; Calvert 2016; Calvert and Lee 2021; Dai et al. 2018; Dickson 2008; Henle et al. 2020; Masselot 2018; Mullins 2014; Mullins et al. 2021; O'Connor et al. 2015; O'Connor and Kmec 2020; Rivlin 2014). Growing dramatically (Hirsh et al. 2020), it is becoming more of an important question than it has ever been before (Mullins et al. 2021). The COVID-19 crisis further contributed to the exacerbation of the question of carers' discrimination. There has been a substantial growth in the discrimination of parents and carers during the pandemic with many working carers losing their jobs (Harwood 2022). The focus here is on the discrimination of informal family caregivers for the elderly.

The carers' discrimination issue is particularly important in light of the rapidly ageing population in many countries, where more (older) people are living longer and require additional informal care and support. Discrimination of informal family caregivers for the elderly has also become an increasingly burning and unignorable issue due to the challenges brought about by the trend of a decreasing number of people economically active in employment, the changing demographics of the workforce, as well as a higher incidence of frailty among

1. When discussing family or care-based discrimination some authors (for example, Smith 2012) also use the term family status discrimination, which is akin to FRD in the American social context.

older people on one side and the shrinking of care services and fiscal constraints on the other. Together, this causes an increased need for informal eldercare (EC & SPC 2021; Eurocarers 2020). The increasing share of older people and decreasing fertility rate indicate that family care for the elderly is becoming a more widespread practice among the working population than childcare (Henle et al. 2020); today, eldercare is a mainstream issue for the majority of families in most countries worldwide, the family's new childcare, one might say. Furthermore, recent decades have seen the process of delayed motherhood, which increases the likelihood that women will have to face dual care tasks more often, including both, care for small children and their dependent parents (Waddington 2011).

With the aforementioned demographic and other trends, in the future, the shift in the focus from the care for the younger generation to the care for the elderly will become even more important. A growing number of employed individuals are taking on and will, in the future, take on the care of disabled or elderly parents (NACAARP 2015; NACAARP 2020; Bainbridge and Townsend 2020; Eurofound 2015; Williams et al. 2012). Potentially, this will add to the conflict between care and paid work, increase the need for flexible working along with the need to see how these can be linked to discrimination (Calvert and Lee 2021). It is important to recognise that reconciling eldercare with paid work is particularly complex due to often greater unpredictability of elderly care compared with childrearing, which adds to the tension between work and the eldercare role. Carers who combine work and eldercare and those who juggle work with caring for both adults and children will be considered here as the group of IFCs with distinctive needs.

A critical examination of the carers' discrimination issue is of pressing importance as IFCs are becoming more integral to the sustainability of the long-term care system, relieving pressure on public expenditure and services. In view of the economic value of informal eldercare and of care being the foundation of society, it is important to know more about carers' exposure to discrimination and its detrimental effects on their social and economic circumstances. Lacking research in the field,² Slovenia needs to fill this gap and look into the IFCs' potential experiences with discrimination in the labour market.

Discrimination is not only detrimental for those who care for the elderly, but also for wider society, whose care needs can only be met by healthy and financially

2. In Slovenia the discrimination of informal elder caregivers in the labour market is under-researched. The primary focus of research studies is either on the unfavourable treatment of pregnant women and parents of young children or on workers with family responsibilities in general, regardless of the type of informal family care they perform (for example, Kanjuo et al. 2016; Novak in Nastav 2011).

secured carers. This is why society cannot ignore the difficult situation faced by many carers balancing care and paid work on one hand and dealing with the negative effects of discrimination on the other. The state, policy makers and legal bodies together with employers, should ensure that elder caregivers are not penalised financially or in any other way, while providing this much needed, essential, yet mostly invisible unpaid care work in the community.

This article aims to contribute to the existing literature by bringing together the research areas of work-care reconciliation and carers' discrimination and by highlighting our understandings of the different factors that influence discrimination against IFCs in the labour market. The main purpose of this article is to provide a critical analysis of policies, workplace culture and legislation that can act as facilitators or barriers to establishing work-life balance, and also as factors that may contribute to or attenuate carers' discrimination. Another element to take into account is the gender dimension of informal care. Women carry the largest burden of informal caring responsibilities in society and often take the role of primary carers for family members, while juggling careers. Due to the fact that women are disproportionately burdened by care responsibilities and as a result suffer the most discrimination in paid work, the literature pays more attention to the disadvantages and discrimination faced by female rather than male carers (Rivlin 2014; Dai et al. 2018). This brings us to the second goal of this article – to examine if and how discriminatory treatment can be encountered in the workplace by men caring for elderly family members. The article provides an overview of scientific literature and relevant reports, and identifies, on the basis of literature review, the nature and characteristics of carers' discrimination and the adequacy of legislative responses to it. The key research questions are: What is the role of public and organisational work-life policies, workplace culture and legislation in supporting or protecting working carers or making them vulnerable to discrimination? What types of carers' discrimination do men and women taking care of their older family members face in the workplace?

The article consists of the introductory section followed by the conceptualisation and consequences of discrimination due to family or care responsibilities, and the outline of its typical sources, manifestations and consequences. The central section deals first with gendered discrimination due to caring responsibilities, the important differences between informal eldercare and childcare, and continues by focusing on the position of informal elder caregivers in the context of organisational and public policies and laws. Individual sections of the article are based on the findings of studies carried out in different countries across the world which point to global dimensions of carers' discrimination. The article is not conceived as a comprehensive description of individual factors of discrimination

and a comparison between countries, but as an outline of the overlooked or under-researched discrimination of informal elder caregivers in the labour market compared to parenting-based discrimination.

2 Conceptualisation and consequences emanating from discrimination of carers in the workplace

In the legal context discrimination defines unjust unequal treatment (differentiation, marginalisation, exclusion) of a person/group compared to another person/group in the same or similar situation due to personal circumstances, while sociologically, the starting point of discriminatory views and practices is the deviation from the normative model (e.g., of a human being, worker, family, sexuality etc.). The starting point for discriminatory treatment of IFCs is the norm of the ideal worker, which constructs the worker as a subject that is completely and continuously committed to paid work, while shifting their family/care responsibilities to someone in their home.

FRD or carers' discrimination refers to the unfavourable treatment of workers (or job seekers) due to pregnancy, childcare, care for a sick or disabled partner or elderly parents and relatives, or any combination of these (Martucci and Sinatra 2008; Miller et al. 2008; Williams and Bornstein 2008; Williams et al. 2012; Trzebiatowski and Triana 2020) compared to non-carers, despite their equal qualifications and knowledge. Discrimination also involves harassment in terms of undesired behaviour and actions, occurring due to care responsibilities or perceived family status, which violate a person's dignity and make them feel humiliated.

Discrimination stems from two basic sources: stereotypes and the context of care-work reconciliation. Discriminatory practices coming from stereotypes or discrimination based on status (Hirsh et al. 2020) are shown in the form of employment rejection, exclusion from work tasks, poor performance evaluation, the hindering of promotion, and dismissal. Informal elder caregivers (and parents) are less likely to obtain employment than job seekers without care responsibilities, which shows that employers are less likely to be in favour of employing and retaining informal carers (Henle et al. 2020: 59–60). Superiors act on the basis of the assumption that the (potential) worker *will be incapable* of performing certain tasks, unreliable and less devoted and productive (Von Bergen 2008). According to Williams and Bornstein (2008: 1320), the starting point of stereotypes and discrimination is the "workplace/workforce" mismatch. Workers are expected to act according to the norms of an "ideal worker" which are the criterion of their commitment, competence and performance and, at the same

time, as a guiding principle for stigmatising those who do not develop the identity of an ideal worker (work part-time, use of flexible working and various leaves). The main culprit of flexibility stigma is the ideal worker culture (Chung 2020). Workers who balance care and work are exposed to the risk of discrimination as they are construed as inauthentic workers (Smith 2012).

Conventional workplace norms entrenched in modern workplaces (Chung 2020) influence the opportunities to earn money, get promoted and trained and the (re)production of inequality between women and men and between workers with care responsibilities, as well as those without them. When the norms of the ideal worker do not match the priorities and identities of workers who combine care and work responsibilities, this brings loss to those who find it difficult to fulfil the adopted paradigms of the labour market, due to the burdens of informal care (Smith 2012). The problematic nature of the norms of the ideal worker has also been clearly exposed by the judicial practice which challenges the "workplace/workforce" mismatch as discriminatory, revengeful and filled with stereotypes (Williams and Bornstein 2008).

Carers providing both childcare and eldercare are more likely to face FRD than carers who only provide one type of care (O'Connor et al. 2015). For example, primary elder and childcarers applying for a job are less likely to be hired and will receive a lower starting salary compared to childcarers applying for the same job. Employers or hiring managers may expect sandwiched caregiving to be too demanding not to influence paid work, causing disruptions, absence and lower productivity. This is why sandwiched carers tend to be perceived as those who violate the norm of the ideal worker, mainly due to their multiple care demands, which results in their being rejected from employment (Henle et al. 2020).

The second source of discrimination is based on the reconciliation of paid work and care. The so called accommodation-based discrimination (Hirsh et al. 2020) is related to a worker's flexible working requests and is expressed in the form of the non-provision of accommodation and a negative attitude to those who request it. Employers perceive flexible working requests as a business risk, with ideas about ideal workers also influencing the interpretation of requests (Hirsh et al. 2020). Those who request for and use flexible working tend to be targets of harassment, disciplining and dismissal, with employers pressing the workers to *de facto* renounce the rights exercised in the organisation and those they are eligible to, based on legislation. Even if reconciliation policies are well-designed, the question of their distribution or "organisational justice" remains open (Mullins et al. 2021).

Workers who use flexible working experience flexibility stigma which is related to discrimination (Chung 2020). Flexibility stigma comes from the perceived use

of flexible working as the workers' personal weaknesses, which deviate from the ideal worker image (for example in the withdrawal from traditional working hours). Underlying the basis of stigmatisation is the assumption that the users of flexible working are less committed and productive compared to other workers. Studies show the falsehood of stereotypes about working carers of the elderly (Cheng et al. 2020).

Supervisors with a negative attitude towards workers who use flexible working influence the creation of an unsupportive work environment. When employees feel unable to discuss what is occurring and 'hide' this part of their lives, it can increase the strain they experience (Matheson et al. 2020). Workers that disclose themselves and wish to use flexible working hesitate if their supervisors or colleagues are not in favour of flexible accommodations (Clancy et al. 2020). Fear of the negative consequences this may have for their career is one of the most important reasons as to why workers do not accept flexible working. Due to the stigma and fear of being discriminated against, working informal elder caregivers who propose flexible working are even willing to leave their jobs (Chung 2020).

The flexibility stigma has a series of negative consequences – lower degree of commitment to the organisation, lower job satisfaction, increased work-family conflict, lower benefit use and higher turnover intentions; with the consequences also being felt by other workers (Dickson et al. 2008): those who reported to be aware of the flexibility stigma in their departments are less motivated to retain their jobs and less satisfied with their work than those who did not report about stigma in their department. Mullins et al. (2021) also find that discrimination lessens job satisfaction and even leads to the intention of leaving certain employment sectors.

Discrimination also occurs with the introduction of organisational changes which have a limiting effect on the worker's job role, for example when supervisors assign less work responsibilities based on the stereotype that they are incompetent or due to a "benevolent" belief that they need a break, so it is best that tasks are given to others. The study by Mullins et al. (2021) showed that family responsibilities hamper career promotion, which can actually present a form of FRD.

Organisations may also cause discrimination by adopting policies in which promotion depends on relocation because of work, untimely publication of working schedules or planning night shifts and weekend work (Henle et al. 2020: 60). All those who, due to caring responsibilities, cannot or do not wish to adjust to (new) policies and some aspects of organisational context are put at a disadvantage. Such policies disproportionately affect women as primary

family caregivers. Unfavourable treatment of women related to their caring responsibilities can mean indirect gendered discrimination.

Whether it is in one form or another, carers' discrimination is disempowering and affects carers' opportunities and their financial well-being. Stereotyped ideas and employers' discriminatory state-of-mind often translates into adverse employment decisions and negative evaluations, resulting in the rebuffed opportunities and the denial of workers's rights due to their carer status. Discrimination against carers thus promotes inequality and exclusion and perpetuates the harmful and noninclusive norms of an ideal worker. As shown in the study by Henle et al. (2020), job applicants with care responsibilities towards older relatives (and children) were less likely to be hired than non-carers, and carers' recommended starting salaries were lower compared to those of applicants without caregiving responsibilities. Also, elder caregivers and childcarers are perceived as less competent, committed and available than non-carers; regarding availability for work elder caregivers were evaluated the most negatively followed by childcarers, and non-carers were evaluated the most positively (Henle et al. 2020: 76). Discrimination can also occur at the termination of employment, for instance, when performance deficiencies are fabricated to justify the dismissal of carers, or when carers can no longer bear to stay, and leave the job (or exit the workforce altogether) due to being subjected to unfair treatment in their employment or problems and conflicts with their employers. Working carers often have to accept changes at work (part time work is much more frequent among carers than non-carers) or leave the labour market altogether, which can make them financially vulnerable (Malm 2022; Smith 2012; Williams et al. 2012). It is important to recognise that findings show that keeping one's job increases the happiness, financial security and social inclusion of working carers (Phillips et al. 2020).

The abovementioned characteristics of discrimination (refusal to hire applicants, lower salaries, lower evaluation scores, layoffs) – to which non-carers are not exposed – can be emotionally taxing and distressing not only for carers but also for their families. Due to the financial insecurity they cause, the hiring discrimination and wrongful termination also clearly and particularly reflect in the economic/financial and psychological wellbeing of their family members. This is why the prohibition of this type of discrimination safeguards not only job seekers and employees, but also their families and family members. Furthermore, discrimination of IFCs is problematic for wider society, as employers' reluctance to employ them can mean the loss of a competent and experienced workforce. The discussion on the discrimination of IFCs should not only be limited to the private dynamics of the workplace, but also must demand the state play a more

prominent role in ensuring carers and their families receive support. Carers' discrimination is worthy of public policy (and legislation) attention in the quest to improve carers employment opportunities and to decrease the discrimination and injustice experienced by them.

It is also important to follow the aim of gender equality, both for the improvement of the position of women who still predominate in informal eldercare, as well as from the aspect of protecting male carers from gendered harassment and discrimination when using carers' leave, or requesting flexible working arrangements.

3 Gendered carers' discrimination

Women carry out the larger part of care for the elderly and other dependent family members in Europe (Eurocarers 2018) and the USA (Henle et al. 2020; U.S. EEOC 2007). In the EU member states, the disproportionate distribution of informal care responsibilities to the detriment of women is a persisting pattern, despite the diverse formal systems of long term care in individual countries (EIGE 2019). The percentage of employed women caring for older people and/or people with disabilities is higher compared to men (13% - F, 9% - M; EIGE 2019). Slovenia, where long-term care for elderly parents is underdeveloped, belongs to the group of countries with the widest gender gap in the level of participation in long-term informal care. Due to having more informal long-term care duties, work-life balance is under greater pressure for women than men, which intensifies gender inequalities in employment (EIGE 2019; EIGE 2022).

Findings that show victims of unfavourable treatment by employers are mainly women (Hirsh et al. 2020; Mullins et al. 2021) are not unexpected considering that as many as 44 % of Europeans still think that the most important role of women is to take care of the home and family and 43 % that the most important role of men is to earn money (De Michelli and Capesciotti 2020: 4). Henle et al. (2020) find that hiring managers estimate the competence, commitment and availability for work of women who informally care for the elderly as less favourable than in male informal family carers.

Women are more likely to use flexible working during their career (Chung 2020; Hirsh et al. 2020) and the possibilities offered by the leave policies have more prominent effects on employment (higher rates of absence from work) and, in turn, also discrimination, for women than men. Women who care for their husbands or elderly parents are reluctant to notify their employers about the scope of care because of fear of discrimination (Barrett et al. 2014). They recognise the stigma related to the disclosure of eldercare and fear the negative effects

the disclosure might have on their careers (Kim et al. 2011). Despite representing the majority of working carers, women are at a disadvantage compared to men with regard to employer support (Austin and Heyes 2020).

With their increased participation in family care for the elderly, especially life partners (Ireson et al. 2018), men also face discrimination. They face the mirror stereotype with regard to family care and accommodation-based discrimination. Flexible working requests by men are often rejected, while they can be regularly approved for their female colleagues. Managers of both genders support flexible working more in women than in men and tend to use double standards with regard to leave (Yeandle et al. 2003). Men are more vulnerable to stigma regarding care work, which leads to the concealment of their caring responsibilities from employers and colleagues (Ireson et al. 2018); they can also face more unfavourable consequences relating to their work, when they take leave (Calvert and Lee 2021; U.S. EEOC 2007). Men face obstacles when they engage in family care more actively, in particular in male-dominated industries, where gendered ideas of family care still prevail (Ireson et al. 2018). However, as pointed out by Henle et al. (2020), male-dominated jobs may be worse overall for carers; they experience more bias in male-dominated professions than in feminised professions. This shows that male-dominated workplaces may be unfriendly to employees who are balancing work and family (Henle et al. 2020: 78).

Men who care for their elderly relatives may be put at a disadvantage compared to fathers. While fatherhood is a sign of manliness and remains compatible with the ideal worker norm in the eyes of employers (Hirsh et al. 2020), elder-care represents a deviation from this norm. There is a trend of an increase in the number of cases filed in court due to employment discrimination experienced by men as informal elder caregivers (Calvert 2016).

Considering the findings (that risk of care responsibility discrimination is also experienced by men) leaning exclusively on gender to prove discrimination and using affirmative measures to install accommodations for women only can lead to a disregard of the discrimination experienced by men. This, in turn, portends the reproduction of stereotypes about family care as a female responsibility. The EU legal system needs to explicitly address care responsibility discrimination and extend legal protection against discrimination to include all working carers (Caracciolo Di Torella 2016).

4 The work-life balance challenges faced by working parents and carers

With the aging of the population and the ever reducing means of social protection (long-term care, health care, pensions) – when the burden of long-term eldercare is increasingly put on families' shoulders –, there is also an increase in the needs for flexible working, due to eldercare responsibilities. This, likewise, opens the door to discrimination against the informal elder caregivers (Calvert and Lee 2021). Stereotypes and a limited legal protection of working carers of the elderly can lead to the loss of work or discrimination in employment, and career progression or promotion (Clancy et al. 2020). Working carers of the elderly perceive smaller employment security, and many of them experience discrimination (U.S. EEOC 2007; Hirsh et al. 2020: 763). There is a new trend of an increasing number of elder caregivers' discrimination lawsuits, which have increased more than in other forms of family care (Calvert 2010; Calvert 2016; Williams et al. 2012). Lawsuits filed during the COVID-19 epidemic reveal that employers do not believe that workers can successfully perform flexible work and care responsibilities (Harwood 2022).

The challenges of eldercare are different from those of childcare. Compared to childcare, eldercare may be filled with crises situations, because informal elder caregivers face frequent, cyclical or irregular difficulties with the care recipients (Koerin et al 2008). The differences in care responsibilities offered to (healthy) children and adults/the elderly and the way they spill over into paid work can influence the level of care-work conflict, an individual's ability to reconcile care and work and their potential exposure to discrimination.

Increasing comorbidity in the elderly does not only indicate that an increasing number of adults are taking on the role of informal elder caregivers, but also that they take care of persons who have complex health or support needs. An increasing number of carers report about their care-recipients needing care due to longstanding health issues. It is this group that frequently perceives they are discriminated against compared to those who do not take on the care of people with complex health or support needs. Those who offer a more intensive care also report more often about discrimination (NACAARP 2020).

Complex eldercare requires frequent interruption of the work pattern (accompaniment to the doctor or therapy; telephone calls during work time; unexpected crises and hospitalisation) and longer absences from work (Stewart 2013). This, in turn, creates a higher degree of work-care conflict and a more difficult maintenance of work-care balance, in particular, when the IFCs live far away from the elderly care users. The responsibilities of informal elder caregivers compared

to typical childcare interfere with working responsibilities in a more disturbing way in the form of absenteeism and presenteeism, and have detrimental effects for work and career. Late arrival at work, leaving early from work, taking days off, shorter working hours or use of leave open the door to the discrimination of elder caregivers (Clancy et al. 2020; Williams et al. 2012). Managers criticise and discipline working carers for taking leave or the use of flexible working, while they do not treat non-carers in the same way; or, require the former but not the latter to make up for the missing hours (Williams et al. 2012).

Informal elder caregivers are estimated by the hiring managers as the least available for work, followed by parents, while non-carers receive the highest evaluation; primary child carers and informal elder caregivers experience the highest level of discrimination when decisions are made on employment and salaries, compared to non-carers. Also, those taking care of both children and parents are more exposed to discrimination than parents who (only) take care of their children. Some types of family care can trigger more discrimination than others (Henle et al. 2020).

Differences between parents and informal elder caregivers also occur in terms of the availability of official work-care reconciliation policies and superiors' (and colleagues) standpoints on the right to access flexible working (Bainbridge and Townsend 2020). The lower availability of formal support and a negative attitude to informal elder caregivers have implications for this group of carers.

5 Work-care reconciliation policy, legislation and practice: a critical analysis

Despite the fact that the number of working informal elder caregivers is growing, organisations often lag behind in providing accommodated measures for specific needs of this group of carers. Most policies and programmes for work-family reconciliation remain focused on childcare (Bainbridge and Broady 2017; Bernard and Phillips 2007; Henle et al. 2020 Kim et al. 2011; Koerin et al. 2008; Spann et al. 2020; Williams et al. 2012). While the vast majority of employers consider work-life balance a priority question, a substantially smaller share views the support of informal elder caregivers as medium to high priority in their employment positions (Ireson et al. 2018). Less than one half of working carers declared their employer as "carer friendly" (Austin and Heyes 2020: 17).

Although organisations are becoming more responsive to the needs of informal elder caregivers, much more needs to be done in the field (Cullen and Gareis 2011; Ireson et al. 2018; NACAARP 2020). In Slovenia there is a lack of measures for informal elder caregivers at the organisational level on the one

hand and, on the other, there are tendencies in support of a more explicit addressing of their specific needs (see, for example, Humer 2011a; Humer 2011b). The Family-Friendly Company Certificate, involving family-work reconciliation measures (and measures against gendered or family status discrimination), brings advantages mainly to parents of young children, with few measures in place for informal elder caregivers (Ekvilib inštitut 2015).

The underdeveloped carer-friendly and non-discriminatory policies can be linked to exposure to discrimination: the needs of informal elder caregivers are left to the good will of employers. A NACAARP Report (2015) states that only a small number of carers report being dismissed from employment due to care work, but most generally support the proposal of introducing an additional policy on the prohibition of discrimination due to informal care.

Formal reconciliation policies guarantee a greater degree of power to take action in the case of violations; furthermore, they are linked to the reduction of lawsuits, which indicates they can reduce the work-family conflict, while eliminating grounds for the further reporting of discrimination (Adams et al. 2014). The availability of policies as such does not guarantee their actual utilisation; employers do not publish or promote benefits and do not encourage workers to use the existing measures (Calvano 2015). Workers are still reluctant to disclose their carer's identity or discuss eldercare with their superiors (Cullen and Gareis 2011; Spann et al. 2020). They are afraid of negative responses from their managers and colleagues if they exercise the right to use flexible working (NACAARP 2015). Due to the pressure from colleagues they do not exercise the existing procedures and their rights, and the use of flexible working exposes them to possible stigmatisation.

Therefore, formal policies in an organisation are not necessarily a safety net against discrimination of informal elder caregivers (Hirsh et al. 2020). The safety factors that reduce the risk of discrimination include informal arrangements and understanding supervisors and colleagues (Stiell et al. in Cullen and Gareis 2011: 17). Supportive supervisors and positively perceived support of the family have a more significant influence on the perceived family responsibilities discrimination than any benefits arising from reconciliation policies in the organisation (Dickson in Mullins 2021). A supportive work environment also encourages the use of existing policies (Bernard and Phillips 2007: 150). The support and understanding of colleagues and line managers proves to be one of the most important conditions for a successful reconciliation of work and care (Jungblut in Yeandle 2017: 4; Yeandle et al. 2003). However, eldercare as opposed to childcare often receives less understanding in the workplace. Managers tend to respond more favourably to flexible working for childcare than eldercare (Yeandle et al. 2003: 12). Employers' and recruiters' judgments can be influenced by internalised ageist

beliefs against the elderly and stereotypes of older people. We could speak about the phenomenon of discrimination by association – employers treat carers badly because of the age of the person they care for. In addition, eldercare may not be disclosed to managers or supervisors due to the relative disrespect of the elderly in contemporary Western societies, where children have taken on an iconic status, which is why, opposingly, child care is often shared and openly discussed with others in the work environment.

The scope of employers' discriminatory treatment of informal elder caregivers also depends on public policies that put pressure on employers to develop carer-friendly policies and act to prevent discrimination. At the EU level, care-work balancing is not addressed in a way that promotes co-ordinated and practical endeavours from the member states; these currently lay more emphasis on childcare (Cullen and Gareis 2011). State policies, designed to facilitate the position of informal elder caregivers, vary significantly among EU states (Cullen and Gareis 2011; Rodrigues et al. 2012); eldercare and the condition of working informal carers is best arranged in Scandinavian countries (Eurofound 2015). In Slovenia, reconciliation policies mainly focus on childcare and much less on caring for other family members (Eurofound 2015: 72; Žakelj and Švab 2009); the rights of relatives in the field of eldercare are limited (Hrženjak 2016). A study by Filipovič Hrast et al. (2020) shows that, in Slovenia, many carers report of flexible and understanding employers; however, this flexibility in reconciliation is not part of a specific strategy which would be supported by the government. In the US, legal provisions related to the rights of informal eldercarers, at the level of federal laws, do not cover this group in more detail and are much less comprehensive as in the case of Western European leave policies (some countries offer additional protection to informal eldercarers; Calvert and Lee 2021). The United States lags far behind Europe in terms of legislation to reconcile work and family and is more focused on anti-discrimination law to root out bias IFCs. Being unable to pass the relevant legislation for balancing work and family led the United States to focus on anti-discrimination law to protect mothers and other family carers.

New EU-level legislation has brought new development into work-family reconciliation and a more efficient protection against the carers' discrimination. The EU Directive on work-life balance for parents and carers (2019/1158) (hereinafter the Directive) brings the opportunity of flexible working for the purpose of eldercare (Article 9) and introduces a new right to carers' leave (Article 6) responding to the needs of an ageing society. A less known novelty is that it prohibits discrimination in the exercising of or striving to exercise the right to apply for flexible working and leave (Article 11). It also introduces, for the first time, protection against dismissal in this relation (Article 12). The protection it

provides to elder caregivers also supports gender equality as women continue to be engaged in such caring more often than men (Bell and Waddington 2021).

A part of the Directive is also transferred into its legal order by Slovenia which, previously, did not have such an arrangement in place in eldercare (contrary to the rights related to pregnancy and parenthood). At the legislative level, Slovenia only provided sick leave and part-time work for childcare or care for the spouse/partner, but not for aged parents. However, family law states that caring for parents, when they grow old or fall ill is the obligation of adult children; this could be the basis for more eldercare-friendly workplace policies. The Directive's provisions bring the recognition of the existence of eldercare and the needs of working informal carers. Although new benefits can be understood as victory for elder caregivers, they do not tell the whole story. The downsides are the following: a limited duration of carers' leave (only 5 working days per year) that is not compensated with a payment or benefit (this can diminish the efficiency of the leave); limited access to rights (only including the introduction of a carer's right to file a flexible working request, while the final decision is left to the employer); and the limited definition of the term "carer" (Article 3) referring to care recipients who live in the same household as the working carer, thus excluding a variety of care relationships. Rights remain mainly focused on parents of young children, thus keeping priority over informal elder caregivers. As argued by Caracciolo Di Torella (2020), the general right to non-discrimination due to caring responsibilities is, thus, not guaranteed. To get to the core of the problem faced by informal elder caregivers and to enhance the implementation of the Directive's goals, Di Torella points out that working carers need to be protected not only against discrimination and dismissal for using leave and their rights, but also, more broadly, against care responsibilities discrimination in general.

Besides rights related to leave, shorter working time and flexible working arrangements, carers can also benefit from the legislation on non-discrimination. The carer status is not covered by EU legislation as grounds for discrimination. The Charter of Fundamental Rights of the European Union, laying down the grounds for discrimination, does not explicitly address carers' discrimination, which would make the basis for taking action. The lack of specific grounds for discrimination is one of the major obstacles for the protection of carers (Caracciolo Di Torella 2016; Caracciolo Di Torella and Masselot 2020). However, anti-discrimination legislation has seen an important development following the ground breaking judgement by the European Court in 2008, in the *Coleman case*³. While

3. Judgement in the case C-303/06, *S. Coleman vs Attridge Law, Steve Law*, 17 July 2008, EU:C:2008:415

not directly addressing carers' discrimination, the judgement showed that the unfavourable treatment of the plaintiff, the mother of a disabled child, meant unlawful discrimination, within the existing European legislation on persons with disabilities (in relation to employment). The judgement's merit is that working informal carers cannot be treated unfavourably on the grounds of their relation to, or care for, another individual with protected characteristics (disability). The term *associative discrimination* was adopted by European and national courts. In the UK, the 2010 Act on Equality adopted, as a response to the aforementioned judgement of the European Court of Justice, legislation which protected carers of persons with disabilities against discrimination through association (DTA) in the labour market. However, it did not specifically define carers as the group with „the protected characteristics“, according to the law (Yeandle et al. 2017). In Slovenia, the legislation provides protection against discrimination due to any personal characteristics, both through recognising the worker's family situation or status as well as the prohibition of the DTA (Article 5 ZVarD), as provided by EU law. While in Slovenia there is no existing judicial practice that would refer to discrimination through association, in 2021, the Advocate for the Principle of Equality considered the case of a working mother of a child with a disability, in which discrimination through association was likely to be present. In the US, federal laws on equality and non-discrimination do not prohibit carers' discrimination as such, but there are circumstances in which discrimination can mean unlawful discordant treatment; they also prohibit discrimination against a worker's association with, or their taking care of, a person with a disability (child, spouse or parent) (U.S. EEOC 2007), although, employers are not required by law to provide reasonable accommodation. Nonetheless, when fighting against the discrimination of carers there are several policy initiatives ranging from the protection of carer status at the federal level (similar to gender- or race-based discrimination) and the implementation of reasonable accommodation for carers of disabled persons, to the introduction of the policy of paid leave (Harwood 2022: 97).

Discrimination through association directly refers to discrimination against carers of persons with disabilities and could potentially also provide protection to carers of the elderly. However, discrimination through association is not necessarily extended to indirect discrimination or to other groups of carers, which means its powers are limited when it comes to improving the situation of working carers (Caracciolo Di Torella 2016).

6 Conclusion

A growing share of working informal elder caregivers and the increasing care-work conflict, due to the way care responsibilities are spilling into work responsibilities, are raising the question about the employment discrimination of this group of carers. In revealing and understanding discrimination, and developing strategies of prevention and protection against it, a wider context needs to be considered to include factors influencing the unequal treatment of carers, such as: stereotypical ideas about gender roles and ideal worker norm; weak public policies of work-care balance; deficient organisational policies of work-care reconciliation for carers; unsupportive organisational culture; and vague antidiscrimination laws for carers, which are not specific enough. Research shows that discrimination of informal elder caregivers is present in many societies and parts of the world. Its scope and manifestations, along with (formal and informal) potential for work-care reconciliation, depend on the combined and cumulative effects of cultural, organisational, policy and legal factors within individual countries. As pointed out by Henle et al. (2020) it also depends on the caring (eldercare, caring for multiple generations), the job context, and workers' experiences, which may also vary due to different values (individualism versus collectivism). Although women's share in care is greater and certain drawbacks in employment, promotion and job retention are more likely for women than for men, men often have similar or even worse experiences of discrimination.

Especially within the EU, an important role has been played by carer-friendly policies introduced to explicitly address the participation of carers (who are mainly women) with their specific needs, and particularly the elder caregivers, in the labour market, and their non-discrimination. Specific progress has been noticed recently, with a series of organisations introducing measures to provide a more egalitarian arrangement of employment prospects of informal elder caregivers. The elimination of gender stereotypes for informal carers and the stigma of flexibility are needed in parallel with the establishment of adequate policies. It is stereotypes and stigmatisation that are among the most tenacious causes of discrimination and the prevention of (officially recognised) equal opportunities for women and men, and carers and non-carers, to be exercised in the labour market. It is important to guarantee the use of flexible working arrangements and care leave without fear of a negative response in the workplace from anybody, regardless of their gender and the type of family informal care that they do. With organisational culture being crucially important here, the existence of the flexibility stigma and its extent needs to be looked into to help us understand, how to tackle and how to overcome it. At the state level, the following actions

are necessary: exercise of the relevant policies of eldercare and the instillation of adequate legislation or (within the EU) to transfer the Directive on work-life reconciliation to national legislations (to provide the informal elder caregivers the right to flexible working and paid care leave and their non-discrimination). Last but not least, countries, such as Slovenia, which lag behind in the field, need to put in place a comprehensive regime of care for the elderly, sick or disabled relatives or a systemic arrangement of long-term (formal and consequently informal) eldercare.

References

- Adams, Scott., et al. (2014): Caregivers, Firm Policies and Gender Discrimination Claims. *Review of Economics of the Household*, 12 (2): 359–377.
- Austin, Annie, and Heyes, Jason (2020): Supporting Working Carers: How Employers and Employees can benefit. Research Report, CIPD/University of Sheffield.
- Barrett, Patrick, et al. (2014): Family Care and Social Capital: Transitions in Informal Care. Dordrecht: Springer.
- Bainbridge, Hugh Tulloch James, and Broady, Timothy Robert (2017): Caregiving Responsibilities for a Child, Spouse or Parent: The Impact of Care Recipient Independence on Employee Well-being. *Journal of Vocational Behavior*, 101: 57–76.
- Bainbridge, Hugh Tulloch James, and Townsend, Keith (2020): The Effects of offering Flexible Work Practices to Employees with unpaid Caregiving Responsibilities for Elderly or disabled Family Members. *Human Resource Management*, 59 (5): 483–495.
- Bernard, Miriam, and Phillips, Judith (2007): Working Carers of Older Adults. What helps and what hinders in juggling Work and Care? *Community, Work and Family*, 10: 139–60.
- Burch, Katrina A., et al. (2019): Understanding what Eldercare means for Employees and Organizations: A Review and Recommendations for Future Research. *Work, Aging and Retirement*, 5 (1): 44–72.
- Calvano, Lisa (2015): Eldercare: The New Frontier of Work–Family Balance. *The Psychologist*, 28: 202–205.
- Calvert, Cynthia Thomas (2010): Family Responsibilities Discrimination: Litigation update 2010. San Francisco, CA: Center for Work Life Law, University of California Hastings College of the Law. Available from: <https://media.npr.org/assets/news/2010/06/07/report.pdf> (Accessed 2. 4. 2022).
- Calvert, Cynthia Thomas (2016): Caregivers in the Workplace: Family Responsibilities Discrimination Litigation Update 2016. San Francisco, CA: Center for WorkLife Law. Available from: <https://worklifelaw.org/publications/Caregivers-in-the-Workplace-FRD-update-2016.pdf> (Accessed 2. 4. 2022).
- Calvert, Cynthia, and Lee, Jessica (2021): Caring Locally for Caregivers: How State and Local Laws Protect Family Caregivers from Discrimination at Work. Washington, DC:

- AARP Public Policy Institute. Available from: <https://www.aarp.org/content/dam/aarp/ppi/2021/02/caring-locally-for-caregivers.doi.10.26419-2Fppi.00122.001.pdf> (Accessed 2. 4. 2022).
- Caracciolo Di Torella, Eugenia (2016): Shaping and Re-shaping the Caring Relationship in European Law: A Catalogue of Rights for Informal Carers? *Child and Family Law Quarterly*, 28 (3): 261–279.
- Caracciolo Di Torella, Eugenia, and Annick Masselot (2020): *Caring Responsibilities in European Law and Policy: Who Cares?* Abingdon: Routledge.
- Caracciolo di Torella, Eugenia (2020): One more Step along the Way: The 2019 Work Life Balance Directive. *Revue de droit comparé du travail et de la sécurité sociale*, 4: 70–81.
- Cheng, Zhiming, et al. (2020): A Dynamic Analysis of Informal Elder Caregiving and Employee Wellbeing. *Journal of Business and Psychology*, 35: 85–98.
- Chung, Heejung (2020): Gender, Flexibility Stigma and the Perceived Negative Consequences of Flexible Working in the UK. *Social Indicators Research*, 151 (2): 521–545.
- Clancy, Rebecca L., et al. (2020): Eldercare and Work Among Informal Caregivers: A Multidisciplinary Review and Recommendations for Future Research. *Journal of Business and Psychology*, 35: 9–27.
- O'Connor, Lindsey Trimble, et al. (2015): Giving Care and Perceived Discrimination: The Social and Organizational Context of Family Responsibility Discrimination. *Research in the Sociology of Work (Work and Family in the New Economy)*, 26: 249–276.
- O'Connor, Lindsey Trimble, and Kmec, Julie A. (2020): Is it Discrimination, or Fair and Deserved? How Beliefs about Work, Family, and Gender Shape Recognition of Family Responsibilities Discrimination. *Social Currents*, 7 (3): 212–230.
- Cullen, Kevin, and Garej, Karsten (2011): *Company Initiatives for Workers with Care Responsibilities for disabled Children or Adults*. Luxembourg: Publications Office of the European Union.
- Dai, Haijing, et al. (2018): *A Study on Family Status Discrimination in the Workplace in Hong Kong*. Research report. Hong Kong: Equal Opportunities Commission.
- De Michelli, Barbara, and Capesciotti, Marta (2020): *Working, yet Poor: Gender Policy and Indicators Report*. Available from: <https://workingyetpoor.eu/deliverables/> (Accessed 2. 2. 2023).
- Dickson, Christine E. (2008): Antecedents and Consequences of perceived Family Responsibilities Discrimination in the Workplace. *The Psychologist-Manager Journal*, 11 (1): 113–140.
- EC & SPC (2021): *Long-term Care Report: Trends, Challenges and Opportunities in an Ageing Society, Vol 1*. Available from: <https://data.europa.eu/doi/10.2767/183997> (Accessed 7. 6. 2022).
- Ekvilib inštitut (2015): *Analiza učinkov vpeljevanja družini prijaznih politik v organizacijo*. Available from: http://www.certifikatdpp.si/wp-content/uploads/2015/08/Analiza_DPP-anketa_2015_.pdf (Accessed 4. 2. 2022).

- Eurofound (2015): Working and Caring: Reconciliation Measures in Times of Demographic Change. Luxembourg: Publications Office of the European Union.
- EIGE (2019): Gender Equality Index 2019. Work-life Balance. Available from: <https://www.euromedwomen.foundation/pg/en/resources/view/9163/european-institute-for-gender-equality-index-2019-reports> (Accessed 4. 2. 2023).
- EIGE (2022): Gender Inequalities in Informal long-term Care, Statistical Brief.
- Eurocarers (2020): About Carers. Available from: <https://eurocarers.org/about-carers/> (Accessed 6. 6. 2022).
- Harwood, Alaina (2022): Caregiver Discrimination in the Wake of the COVID-19 Pandemic. *Hastings Journal of Gender and the Law*, 33 (1): 79–102.
- Henle, Christine A., et al. (2020): Eldercare and Childcare: How does Caregiving Responsibility affect Job Discrimination? *Journal of Business and Psychology*, 35: 59–83.
- Hirsh, C. Elizabeth, et al. (2020): Caregivers, Gender, and the Law: An Analysis of Family Responsibility Discrimination Case Outcomes. *Gender & Society*, 34 (5): 760–789.
- Hrženjak, Majda (2016): Primerjava sistemov oskrbe za otroke in starejše v Sloveniji v kontekstu politik defamilizacije in refamilizacije. *Teorija in praksa*, 53 (6): 1484–150.
- Humer, Živa (2011a): Case Study: Awareness raising – Sava, Slovenia. EurWORK. Available from: <https://www.eurofound.europa.eu/observatories/eurwork/case-studies/workers-with-care-responsibilities/case-study-awareness-raising-sava-slovenia> (Accessed 22. 3. 2022).
- Humer, Živa (2011b): Case Study: Awareness raising – Mercator, Slovenia. EurWORK. Available from: <https://www.eurofound.europa.eu/observatories/eurwork/case-studies/workers-with-care-responsibilities/case-study-awareness-raising-mercator-slovenia> (Accessed 22. 3. 2022).
- Filipovič Hrast, Maša, et al. (2020): Sustainable Care in a Familialist Regime: Coping with Elderly Care in Slovenia. *Sustainability*, 12 (20): 1–15.
- Ireson, Rachelle, et al. (2018): Availability of Caregiver-friendly Workplace Policies (CFWP): An International Scoping Review. *Health & Social Care in the Community*, 26 (1): e1–e14. DOI: 10.1111/hsc.12347.
- Kanjuo, Aleksandra, et al. (2016): Dostopnost trga dela za ženske in moške: končno poročilo. Ljubljana: Fakulteta za družbene vede.
- Kim, Jeungkun, et al. (2011): Balancing Eldercare and Employment: The Role of Work Interruptions and Supportive Employers. *Journal of Applied Gerontology*, 32 (3): 347–369.
- Koerin Beverly B., et al. (2008): Eldercare and Employed Caregivers: A Public/Private Responsibility?, *Journal of Gerontological Social Work*, 51 (1–2): 143–161.
- Malm, Camilla (2022): Involving Informal Carers in Health and Social Care Research. PhD Thesis. Kalmar: Linnaeus University Press.
- Masselot, Annick (2018): Family Leave: Enforcement of the Protection against dismissal and unfavourable Treatment. Brussels: Publications Office of the European Union.

- Martucci, William C., and Sinatra, Katherine R. (2008): Caregivers in the Workplace: Prohibitions against Family-Responsibility Discrimination. *Employment Relations Today*, 34 (4): 71–76.
- Matheson, Rachel, et al. (2020): Flexible Working is Important, but Employers need a Broader Workplace Strategy for Carers. North Sydney: Carers and Employers. Available from: https://carersandemployers.org.au/uploads/main/News/CarersEmployers_Briefing1-Remote-Work-Sept-2020.pdf (Accessed 10.4.2023).
- Miller, Michele Ballard, et al. (2008): Family Responsibility Discrimination. *FDCC Quarterly*, 59 (1): 19–29.
- Mullins, Lauren Bock (2014): Is Family Responsibilities Discrimination the New Sex Discrimination? Lessons from School Teachers' Perceptions. *Review of Public Administration and Management*, 2 (1): 142–146.
- Mullins, Lauren Bock, et al. (2021): The Effects of Family Responsibilities Discrimination on Public Employees' Satisfaction and Turnover Intentions: Can Flexible Work Arrangements Help? *Review of Public Personnel Administration*, 41 (2): 384–410.
- NACAARP (2015): Caregiving in the U.S. Available from: <https://www.aarp.org/ppi/info-2015/caregiving-in-the-united-states-2015.html> (Accessed 15. 2. 2023)
- NACAARP (2020): Caregiving in the U.S. Available from: <https://www.caregiving.org/caregiving-in-the-us-2020/> (Accessed 15. 2. 2023).
- Novak, Matjaž, and Nastav, Bojan (2011): Analiza rezultatov anketiranja med prebivalstvom. In P. Dolenc (ur.): *Diskriminacija na trgu dela v Sloveniji*: 85–98. Koper: Fakulteta za management.
- Phillips, Dominique, et al. (2020): The Invisible Workforce during the COVID-19 Pandemic: Family Carers at the Frontline. *HRB Open Research*, 3 (24). DOI: <https://doi.org/10.12688/hrbopenres.13059.1>.
- Rivlin, Lorraine Patricia (2014): Carers' Responsibility Discrimination Protections under the Anti-Discrimination Act 1977 (NSW) An Evaluation of the First Decade 2001–2011. Thesis. Sydney: Faculty of Law, University of Sydney. Available from: <https://ses.library.usyd.edu.au/handle/2123/14054> (Accessed 8. 12. 2022).
- Rodrigues, R. Ricardo, et al. (ed.) (2012): *Facts and Figures on Healthy Ageing and Long-term Care*. Vienna: European Centre for Social Welfare Policy and Research.
- Stewart, Lisa. M. (2013): Family Care Responsibilities and Employment: Exploring the Impact of Type of Family Care on Work-Family and Family-Work Conflict. *Journal of Family Issues*, 34 (1): 113–138.
- Smith, Olivia (2012): How far from a "Right to care"? Reconciling Care Work and Labour Market Work in Ireland. *Irish Jurist*, 47: 143–167.
- Spann, Alice, et al. (2020): Challenges of Combining Work and unpaid Care, and Solutions: A Scoping Review. *Health and Social Care in the Community*, 28 (3): 699–715.
- Trzebiatowski, Tiffany, and Triana, María del Carmen (2020): Family Responsibility Discrimination, Power Distance, and Emotional Exhaustion: When and why are there Gender Differences in Work–Life Conflict? *Journal of Business Ethics*, 162: 15–29.

- U.S. EEOC (2007): Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities (Notice No. 915.002). Available from: <http://www.eeoc.gov/policy/docs/caregiving.html> (Accessed 8. 4. 2023).
- Von Bergen, Alison N., et al. (2008): Family Responsibilities Discrimination: What Employment Counselors Need to Know. *Journal of Employment Counseling*, 45 (3): 115–130.
- Von Bergen, Clarence W. (2008): "The Times they are a-changin'": Family Responsibilities Discrimination and the EEOC. *Employee Responsibilities and Rights Journal*, 20 (3): 177–194.
- Waddington, Lisa (2011): Carers, Gender and Employment Discrimination: What Does EU Law Offer Europe's Carers?. In Marie-Ange Moreau (ed.): *Before and After the Economic Crisis: What Implications for the 'European Social Model'?*: 101–128. Cheltenham: Edward Elgar Publishing.
- Waddington, Lisa, and Bell, Mark (2021): The Right to Request Flexible Working Arrangements under the Work-life Balance Directive—A Comparative Perspective. *European Labour Law Journal*, 12 (4): 508–528.
- Williams, Joan C., and Bornstein, Stephanie (2006): Caregivers in the Courtroom: The growing Trend of Family Responsibilities Discrimination. *University of San Francisco Law Review*, 41 (2): 171–190. Available from: <http://scholarship.law.ufl.edu/facultypub/498> (Accessed 10. 10. 2021).
- Williams, Joan C., and Bornstein, Stephanie (2008): Evolution of „FReD“: Family Responsibilities Discrimination and Developments in the Law of Stereotyping and Implicit Bias. *Hastings Law Journal*, 59 (6): 1311–1358.
- Williams, Joan C., et al. (2012): Protecting Family Caregivers from Employment Discrimination Washington, DC: AARP Public Policy Institute. Available from: <http://www.aarp.org/home-family/caregiving/info-08-2012/insight-protecting-family-caregivers-from-employment-discrimination-AARP-ppi-health.html> (Accessed 10. 10. 2022).
- Yeandle, Sue, et al. (2003): *Line Managers and Family Friendly Employment*. Bristol: Policy Press.
- Yeandle, Sue, et al. (2017): *Work–Care Reconciliation Policy: Legislation in Policy Context in Eight Countries*. Report prepared for the German Bundesministerium für Familie, Senioren, Frauen und Jugend, Berlin. Available from: <http://circle.group.shef.ac.uk/wpcontent/uploads/2018/11/yeandle-WCR-v2.pdf> (Accessed 10. 12. 2022).
- Žakelj, Tjaša, and Švab, Alenka (2009): Usklajevanje dela in družine. *Socialno delo*, 48 (4): 215–226.

Sources

- Advocate of the Principle of Equality, Annual Report for 2021. Available from: <https://zagovornik.si/izdelki-zagovornika/letno-porocilo/> (Accessed 1. 12. 2022).
- Directive (EU) 2019/1158 of the European Parliament and of the Council from 20 June 2019 on work-life balance for parents and carers and Council Directive 2010/18/EU. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0253> (Accessed 3. 4. 2020).

Judgement c-303/06 from 17 July 2008, S. Coleman vs. Attridge Law and Steve Law. Available from: <https://eur-lex.europa.eu/legal-content/SL/ALL/?uri=CELEX%3A62006CJ0303> (Accessed 5. 5. 2022).

Protection against Discrimination Act. Available from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273> (Accessed 2. 12. 2022).

Author's data

izr. prof. **Zdenka Šadl**

Univerza v Ljubljani, Fakulteta za družbene vede

Kardeljeva pl. 5, 1000 Ljubljana, Slovenija

E-mail: zdenka.sadl@fdv.uni-lj.si