

The idea of work-life balance has received increasing attention from media, government, unions, and academics in recent years. This is due to the significant changes in the nature of the family and of roles within family. An interdisciplinary approach can explain the societal context that has prompted a rise in family status accommodation claims. Most notably, women have entered the paid workforce in unprecedented numbers and demographic shifts have created a growing need for eldercare.

Over the past two decades, divergent approaches to family status discrimination in the employment context have developed in Canada. The central dispute appears to be the issue of what circumstances are captured by the concept of family status discrimination. The majority of cases deal with families struggling to maintain caregiving responsibilities in an employment context. In *Johnstone*, the FCA handed down what many expected to be the final word on family status discrimination. The refined definition put forward confirms that a *bona fide* childcare problem caused by workplace rules or policies is protected by human rights legislation.

However, just two years later, the HRTO chose to reconsider the logic of *Johnstone* as it applies to family status generally, and particularly in cases involving eldercare. *Misetich* will allow for employees to more easily establish family status discrimination, moving the needle again along the spectrum towards a broad approach. While human rights litigation is an important avenue for addressing employment discrimination, a more comprehensive response requires law reform and policy development. Working families need family-work policies and programs that reflect the current realities of the sandwich generation who may be juggling both child and eldercare.