

Recommendations on Promoting Family Friendly Workplaces: Paid Sick Days and Family & Medical Leave

**CALIFORNIA WORKING FAMILIES POLICY SUMMIT
JANUARY 12, 2011**

INTRODUCTION

The American workforce is experiencing tremendous change. Women comprise nearly half of the workforce, and both men and women report increases in the hours they provide family care.¹ The result is that workers face unprecedented challenges balancing work and family. In a recent survey of young workers, the most important career goal was having a job that allowed for time with family – having a job with a good wage came in at a close second.² In this economic crisis, workers know that creating and preserving *quality* jobs is critical – jobs that allow workers to both support their families and be productive employees.

Unfortunately, today's workplace standards do not reflect a 21st-century reality. Outdated standards are built on the assumption of a traditional male breadwinner and female homemaker, despite the fact that four-in-five families do not fit this family structure.³ Our collective experience tells us that most parents are in the workforce, most families rely on two incomes to make ends meet, and many families depend solely on women's income. Workplace policies that assume a stay-at-home caretaker are out of touch with the reality of today's working families.

The role and value of family caregivers to California's economy is significant. In California there are approximately 4 million caregivers of elderly, disabled or chronically ill family members, each year devoting 4.3 billion hours of care at a value of 45 billion dollars.⁴ Estimates are that the number of informal caregivers will rise 85% between 2000 and 2050.⁵ Many family caregivers must balance their care with the demands of work. The majority of caregivers are concerned that the economy will force them to make decisions that will negatively impact the quality of care for their loved ones.⁶ As California weighs deep cuts to vital public services to address its budget deficit, including slashing financial assistance for in-home health support and child care services, policies that support family caregivers is more important than ever before.

Too many families face untenable choices: risk your job to take care of yourself and your family, and put the health of your family at risk just to do your job. Transformative public policies are needed to make our workplaces work better for today's families. A key part of a family-friendly agenda is to ensure workers have access to time off when they need it most – to respond to illness and serious health conditions, and to bond with a new child.

**Recommendations on Paid Sick Days & Family and Medical Leave
Labor Project for Working Families
2011 California Working Families Policy Summit**

POLICY OBJECTIVE #1

Guarantee all California workers the right to earn and use paid sick days.

Background

Nearly 6 million California workers – over 40% of all workers in the state – can not take a single day off when they or someone in their family is ill.⁷ Low-wage workers are disproportionately impacted: 79% of the lowest wage workers have no access to paid sick days.⁸ Workers without paid sick days face an untenable choice: lose pay and risk job loss to care for yourself or a sick loved one. Despite overwhelming public support, there are no federal or state laws guaranteeing workers the right to earn paid sick days.⁹ Without federal or state standards, California workers who have paid sick days may even be retaliated against for using them. San Francisco and Washington, D.C., are the only localities in the country where paid sick days are guaranteed for certain workers.

Both worker health and the public's health are at risk without laws guaranteeing the right to paid sick days. More than a third of flu cases are transmitted in workplaces and schools.¹⁰ Research shows that the lack of paid sick days contributed to the spread of the H1N1 virus in the workplace during the peak months of the pandemic in late 2009.¹¹ In a 2008 report, Human Impact Partners found that the health of all Californians would significantly benefit if workers earned paid sick days and used them when ill or when a family member needs care.¹²

Recommended Action

- A. The Legislature should guarantee all California workers the right to earn and use paid sick days without risk of retaliation or job loss. Workers should be guaranteed the right to use paid sick days for personal illness, to care for a sick family member, or to recover from domestic violence or sexual assault.

POLICY OBJECTIVE #2

Strengthen and expand access to family and medical leave.

Background

Family and medical leave laws give California workers the right to leave work for a serious health condition, to care for a seriously ill family member, or to bond with a new child. The benefits of family and medical leave are well-documented: quicker recovery times, delayed or avoided stays in nursing homes or long-term care facilities,¹³ positive effects on maternal health and the health of children, higher rates of breastfeeding, and increased involvement between fathers and their babies.¹⁴ Studies show that 61% of working Californians expect they will need to take leave in the next five years.¹⁵

The California Family Rights Act (CFRA) and the Pregnancy Disability Leave law (PDL) both provide job-protected family and medical leave for eligible workers. Unfortunately, CFRA's eligibility requirements and restrictions on use prevent millions of workers from taking leave to care for themselves or a loved one. Over 50% of the workforce lacks access to family and medical leave because they work at small businesses, work reduced hours, or are relatively new to their jobs.¹⁶ While the PDL eligibility requirements are less stringent, expectant and new mothers taking leave under PDL can have their health insurance coverage terminated – just at the time when they need it most.

**Recommendations on Paid Sick Days & Family and Medical Leave
Labor Project for Working Families
2011 California Working Families Policy Summit**

Recommended Actions

- A. The Legislature should reduce CFRA's eligibility requirements to cover workers in businesses with less than 50 employees and workers with reduced hour schedules of less than 1250 hours annually.
- B. The Legislature should extend leave under CFRA to workers caring for extended family members with serious health conditions, including siblings, grandparents, grandchildren, adult children and in-laws.
- C. The Legislature should ensure that employer-provided health insurance coverage be continued for workers on pregnancy disability leave under the PDL.

POLICY OBJECTIVE #3

Increase public awareness and expand utilization of the California Paid Family Leave program.

Background

In 2002, California became the first state in the country to create a paid family leave program that provides partial wage replacement to workers on leave for family caregiving and bonding with a new child. The California Paid Family Leave (PFL) program is 100% funded by worker contributions to the State Disability Insurance Fund. The vast majority of California workers contribute to the program through payroll taxes, and employers are required to provide program information to new hires and workers requesting leave. Nevertheless, knowledge of the program is strikingly low. In 2008, only 29% of Californians were aware of the law – much lower than for other state and federal programs.¹⁷ Awareness of the program is even lower among low-wage workers, workers of color, immigrants, and young workers.¹⁸ The result is that many working families are not accessing a program that could significantly ease the financial strain associated with caregiving obligations.

Eligible workers on leave for caregiving or bonding are guaranteed 12 weeks of leave annually under CFRA. Paradoxically, these workers can only apply for wage replacement through the PFL program for 6 weeks of their leave. More than three quarters of workers who needed but did not take leave cited the lack of pay as the reason for foregoing leave.¹⁹ Limiting the PFL program to 6 weeks forces many workers to cut short or forego leave despite the health needs of their families.

Recommended Actions

- A. The Governor should direct the Employment Development Department to use designated funds from the State Disability Insurance Fund for a multi-year strategic campaign to raise public awareness of the PFL program.
- B. The Legislature should expand the PFL program to provide eligible workers 12 weeks of benefits for family caregiving and bonding with a new child.

**Recommendations on Paid Sick Days & Family and Medical Leave
Labor Project for Working Families
2011 California Working Families Policy Summit**

END NOTES

- ¹ Heather Boushey & Ann O'Leary, *Our Working Nation: How Working Women Are Reshaping America's Families and Economy and What It Means for Policymakers* (2010).
- ² AFL-CIO & Working America, *Young Workers: A Lost Decade* (2009).
- ³ Supra note 1.
- ⁴ Family Caregiver Alliance, *The State of the States in Family Caregiver Support: A 50 State Study* (2007).
- ⁵ U.S. Department of Health and Human Services, et al, *The Future Supply of Long-Term Care Workers in Relation to the Aging Baby Boom Generation, Report to Congress* (2003).
- ⁶ Care.com & Nat'l Ass'n of Child Care Resource and Referral Agencies, *State of Care Index* (2009).
- ⁷ Vicky Lovell, *Valuing Good Health in California: The Costs and Benefits of the Healthy Families, Healthy Workplaces Act of 2008* (2008).
- ⁸ Heidi Hartmann, *The Healthy Families Act: Impacts on Workers, Businesses, the Economy, and Public Health. Testimony to the U.S. Senate Committee on Health, Education, Labor, and Pensions* (2007).
- ⁹ California Center for Research on Women and Families, *Field Research Corporation Poll: California Voters Views About Paid Sick Day Laws* (2008).
- ¹⁰ Human Impact Partners and San Francisco Department of Public Health, *A Health Impact Assessment of the California Healthy Families, Healthy Workplaces Act of 2008* (2008).
- ¹¹ Kevin Miller & Robert Drago, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic* (2010).
- ¹² Supra note 10.
- ¹³ Ellen Bravo, *Family Values at Work: It's About Time! Why We Need Minimum Standards to Ensure a Family-Friendly Workplace* (2007).
- ¹⁴ The David and Lucile Packard Foundation, *Newborn Family Leave: Effects on Children, Parents, and Business* (2010).
- ¹⁵ Ruth Milkman, *New Data on Paid Family Leave* (2008).
- ¹⁶ Naomi Gerstel & Amy Armenia, *Giving and Taking Family Leaves: Right or Privilege?*, 21 *Yale J.L. & Feminism* 102 (2009).
- ¹⁷ Supra note 15.
- ¹⁸ Supra note 15.
- ¹⁹ Supra note 13.