

JOB-PROTECTED SAFE LEAVE, PAID SICK LEAVE, AND PAID FAMILY LEAVE

YWCA's mission to empower women includes a dedication to improving women's health, security, and economic advancement. We believe that no one should have to choose between their livelihood and their health, their family, or their safety. Yet far too many women and families, particularly women and families of color, must make this choice every day. Over 80 percent of low-wage (\$8.25 or less per hour) workers do not have access to any paid leave when they or family members are sick; even fewer have access to paid leave when they or a loved one experiences gender-based violence.

For these workers, who are disproportionately women and people of color, missing a few days, or even just one day, of paid work can have significant economic consequences. A major illness can drive a worker into poverty. Lost wages due to illness, caretaking, or seeking safety from interpersonal violence, widens the gender and racial wage gap and makes it more challenging for workers to balance work and family responsibilities. In the absence of basic workplace protections like job-protected safe leave and paid sick and family leave, women are often forced to choose between their family's financial security and taking time off to care for themselves or a family member or to seek assistance after experiencing domestic violence, stalking, or sexual assault.

YWCA POSITION

YWCA supports efforts to improve women's economic advancement, particularly women of color, by increasing access to job-protected safe, paid sick, and paid family leave. To this end, YWCA supports national, state, and local public policies and legislation that create standards for paid sick and family leave, and job-protected safe leave.

BACKGROUND

Women are a primary source of financial support for many families, and bear significant caretaking responsibilities at home.

- Half of all households in the U.S. with children under age 18 have either a single mother who heads a household or a married mother who provides at least 40 percent of a family's earnings.ⁱ More than four in five Black mothers (81.1 percent), 67.1 percent of Native American mothers, and 52.5 percent of Latina mothers are breadwinners.ⁱⁱ Many of these women are raising families on their own (60.9 percent of Black mothers, 44.2 percent of Native American mothers, and 31.2 percent of Latina mothers).ⁱⁱⁱ
- More than four million African American families with children have a female head of household – most often a mother, grandmother or other relative who is her family's only source of financial support.^{iv} The same is true for nearly three million Latinx families.^v

- Women are more likely to have unpaid caregiving responsibilities, and are the majority of those providing care for children as well as for elderly and disabled adult family members.^{vi} When a child is sick, 39 percent of mothers say they are solely responsible for staying home from work to care for them, compared with only 3 percent of fathers.^{vii} Moreover, 66 percent of caregivers are women, and women spend 50 percent more time on caregiving duties than men.^{viii}

Despite their dual roles as caregivers and wage earners, many women in the workforce must choose between their family's financial security and their health when they or their loved ones are sick.

- Only six in 10 workers overall have access to paid sick leave, including 64 percent of African American women, 67 percent of Asian-American women, and 61 percent of White women. Hispanic and Native American women have the least access to paid sick leave, with only 49 percent of Latinas and 53 percent of all American Indian or Alaskan Native workers having this option available to them.^{ix}
- Workers without paid sick days – particularly Latinx workers – are less likely to visit their doctor for preventative health services, such as immunizations, cancer screenings, and cholesterol tests.^x
- More than 25 percent of adults have reported that they have lost their job or were told they would lose their job for taking time off to recover from an illness or to care for a sick child or family member.^{xi} Almost 20 percent of low-wage working mothers has lost a job due to sickness or caring for a family member.^{xii}
- The Family Medical Leave Act (FMLA) provides 50 percent of American workers with access to job-protected leave to address a serious health condition, care for a family member with a serious health condition, or care for a new child.^{xiii} However, many workers cannot afford to use it: while FMLA provides job protection, it only allows for unpaid leave.
- Workers in the lowest 25 percent of wage earners most often lose all income while on family or medical leave, as they are two to four times less likely than earners in the top 25 percent of wage earners to have access to any paid leave.^{xiv} Women are over-represented in the lowest wage occupations, comprising more than 60 percent of low-wage workers.^{xv}

Without paid sick leave, illness can have significant, long-lasting impacts on a family's financial stability and economic well-being.

- For a family without paid sick leave, just 3.1 days of pay lost to illness is the equivalent of an entire monthly health care budget,^{xvi} and missing just 3.5 days in unpaid sick or family leave can cost a month's worth of groceries for a typical family.^{xvii}
- Lower wages make it even harder for women of color who do not have paid sick leave to take time off to recover or care for a sick family member. On average, Black women are paid just 62 cents, Native Hawaiian and other Pacific Islanders just 60 cents, Native American / Alaska Native women just 58 cents, Latinas just 54 cents, and Asian women 90 cents^{xviii} per every dollar earned by a White male for the same work. ^{xix} Based on median incomes, collectively, that's \$398 less per week for African American women, \$424 less per week for Native Hawaiian and other Pacific Islander women, \$448 less per week for Native American / Alaska Native women, \$484 less per week for Latinas, and \$107 less per week for Asian women compared to White men.^{xx}

- When job loss does occur, unemployment is too often a long-term proposition that leads to significant financial hardship. Moreover, job growth during the economic recovery has been concentrated in low-paying occupations, such as food preparation and service, home health aides, and personal care aides, which offer few protections and benefits like paid sick leave.^{xxi}
- Lower overall access to paid sick and family leave often means that women of color take more unpaid time away from the workforce to care for themselves, a newborn, or a family member with a serious illness than other groups. This further lowers their lifetime employment and earnings potential.^{xxii} For instance, one study found that 30.6 percent of mothers who had to find new jobs after caring for a new child experienced a drop in wages.^{xxiii}
- An overwhelming majority of voters (85 percent) support a national paid-sick-days standard, which would allow millions of workers, including women of color, to earn job-protected paid sick days, no matter where they live or where they work.

A lack of job-protected safe leave puts survivors of violence at risk.

- Economic security is crucial to survivors' safety; however, violence against women negatively impacts survivors' ability to obtain and retain work.^{xxiv} Survivors often need to take time off from work for court appearances or medical attention, and abusers can actively interfere with or sabotage victims' employment by preventing victims from going to work, harassing them at work, limiting access to cash and transportation, and manipulating childcare arrangements.^{xxv}
- Survivors who are eligible for unpaid leave under the Family and Medical Leave Act (FMLA) are limited to using that leave for medical treatment or to care for a sick or injured family member, and cannot use it to seek protection from an abuser.
- Only 33 states and the District of Columbia have laws that explicitly provide unemployment insurance to survivors of domestic violence under certain circumstances.^{xxvi} In addition, only 17 states provide survivors with leave from work to go to court or to the doctor.^{xxvii}
- According to the American Bar Association, approximately half of domestic violence and sexual assault survivors lose their jobs as a result of the violence. One significant reason for this job loss is missed days of work. Survivors of intimate partner violence, sexual violence, and stalking lose nearly eight million days of paid work each year, the equivalent of 32,000 jobs.^{xxviii}
- While violence impacts all women and their ability to obtain and maintain economic independence, survivors of color face even greater financial consequences because they already experience lower wages, lower lifetime earnings, and other employment disparities.

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POLICY RESPONSES THAT MAKE A DIFFERENCE

- Allow workers to earn job-protected sick days to be used to recover from their own illnesses, access preventative care, provide care to a sick family member, or attend school meetings related to a child's health condition.

- Provide workers with the ability to accrue partial income that can be accessed in the event that they take leave for their own serious health condition, including pregnancy and childbirth recovery, or the serious health condition of a child, parent, spouse, or domestic partner.
- Allow survivors of violence to take time off without penalty to receive medical attention, make court appearances, seek legal assistance, and get help with safety planning for themselves or immediate family members.

ⁱ Institute for Women’s Policy Research. (September 2016). *Breadwinner Mothers by Race/Ethnicity and State*. Retrieved 10 January 2017 from: <http://www.iwpr.org/publications/pubs/breadwinner-mothers-by-race-ethnicity-and-state/> [hereinafter Breadwinner Mothers]

ⁱⁱ Breadwinner Mothers, supra note i

ⁱⁱⁱ Id.

^{iv} National Partnership for Women and Families. (September 2015). *Women of Color Need A Paid Sick Days Standard*. Retrieved 10 January 2017, from <http://www.nationalpartnership.org/research-library/work-family/psd/women-of-color-need-a-paid-sick-days-standard.pdf>.

^v Id.

^{vi} Breadwinner Mothers, supra note i. See also, Institute for Women’s Policy Research. Status of Women in the States. (2015). *Status of Women in the United States*. Retrieved 10 January 2017, from <http://statusofwomensdata.org/explore-the-data/work-family/>.

^{vii} The Henry J. Kaiser Family Foundation. (2014). *Data Note: Balancing on Shaky Ground: Women, Work and Family Health*. Retrieved 10 January 2017, from <http://kff.org/womens-health-policy/issue-brief/data-note-balancing-on-shaky-ground-women-work-and-family-health/>

^{viii} Family Caregiver Alliance. (2003). *Women and Caregivers: Facts and Figures*. Retrieved 10 January 2017, from <https://www.caregiver.org/women-and-caregiving-facts-and-figures>.

^{ix} Institute for Women’s Policy Research. (February 2016). *Paid Sick Days Access and Usage Rates Vary by Race/Ethnicity, Occupation, and Earnings*. Retrieved 10 January 2017, from <http://www.iwpr.org/publications/pubs/paid-sick-days-access-and-usage-rates-vary-by-race-ethnicityoccupation-and-earnings/>.

^x U.S. Department of Labor, Bureau of Labor Statistics. (February 2016) *Household Data Annual Averages (Table 37)*. Retrieved 10 January 2017, from <http://www.bls.gov/cps/cpsaat37.htm>.

^{xi} National Partnership for Women and Families. (September 2015). *Women of Color Need a Paid Sick Day Standard*. Retrieved 10 January 2017, from <http://www.nationalpartnership.org/research-library/work-family/psd/women-of-color-need-a-paid-sick-days-standard.pdf>.

^{xii} Oxfam America. *Hard Work, Hard Lives*. (2013) Retrieved 10 January 2017, from <http://www.oxfamamerica.org/static/media/files/low-wage-worker-report-oxfamamerica.pdf>.

^{xiii} National Partnership for Women and Families. *Paid Leave*. Retrieved 10 January 2017, from <http://www.nationalpartnership.org/issues/work-family/paid-leave.html>.

^{xiv} CLASP. (February 2015). *Wages Lost, Jobs at Risk: The Serious Consequences of Lack of Paid Leave*. Retrieved 10 January 2017, from <http://www.clasp.org/resources-and-publications/publication-1/2015-02-03-FMLA-Anniversary-Brief.pdf>.

^{xv} Id.

^{xvi} YWCA. *The Healthy Families Act*. (July 2016).

^{xvii} National Partnership for Women and Families. (September 2015). *Women of Color Need a Paid Sick Day Standard*. Retrieved 10 January 2017, from <http://www.nationalpartnership.org/research-library/work-family/psd/women-of-color-need-a-paid-sick-days-standard.pdf>.

^{xviii} It should be noted that disaggregation of this data reveals that within different ethnic groups within the Asian communities, the gender pay gap can be much greater, with women in some communities earning as little as 38 cents for every dollar made by a White man.

^{xix} National Association of University Women. *The Truth About the Gender Wage Gap*. (Fall 2016). Retrieved 16 March 2017 from <http://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/>.

^{xx} Id.

^{xxi} National Women’s Law Center. (2016). *Low-Wage Jobs Held Primarily By Women Will Grow Over the Next Decade*. Retrieved 10 January 2017, from <https://nwlc.org/resources/jobs-largest-projected-growth-2012-2022-almost-half-are-low-wage-nearly-two-thirds-are-female-dominated/>.

^{xxii} National Women’s Law Center. (December 2013). *Paid Leave is Crucial for Women and Families*. Retrieved 10 January 2017, from https://nwlc.org/wp-content/uploads/2015/08/family_act_fact_sheet.pdf.

^{xxiii} CLASP. (February 2015). *Wages Lost, Jobs at Risk: The Serious Consequences of Lack of Paid Leave*. Retrieved 10 January 2017, from <http://www.clasp.org/resources-and-publications/publication-1/2015-02-03-FMLA-Anniversary-Brief.pdf>.

^{xxiv} Legal Momentum. (2015). *Victims Workplace Rights*. Retrieved 10 January 2017, from <https://www.legalmomentum.org/employment-and-victims-violence>

^{xxv} Id.

^{xxvi} Legal Momentum. (2014). *Unemployment Insurance Benefits for Victims of Domestic and Sexual Violence*. Retrieved 10 January 2017, from <https://www.legalmomentum.org/sites/default/files/reports/State%20Law%20Guide-Unemp%20Ins%20for%20Victims%20of%20DV%20%26%20SA-7-14.pdf>.

^{xxvii} Legal Momentum (2015). *Employment Rights for Victims of Domestic and Sexual Violence*. Retrieved 10 January 2017, from <https://www.scribd.com/document/140852437/Employment-Rights-for-Victims-of-Domestic-or-Sexual-Violence>.

^{xxviii} Centers for Disease Control. (March 2015). *Intimate Partner Violence: Consequences*. Retrieved 10 January 2017, from <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/consequences.html>.

^{xxix} Center for American Progress. (April 2012). *The Effects of Paid Family and Medical Leave on Employment Stability and Economic Security*. Retrieved 10 January 2017, from <https://www.americanprogress.org/wp-content/uploads/issues/2012/04/pdf/BousheyEmploymentLeave1.pdf>.