



RECOMMENDATIONS ON PAID SICK DAYS

CALIFORNIA WORKING FAMILIES POLICY SUMMIT JANUARY 13, 2009

INTRODUCTION

There are millions of workers in California who cannot take a paid day off when they or someone in their family is ill. Nearly 6 million Californians—over 40% of all workers—have zero paid sick days.¹ Low-wage workers are disproportionately affected by the lack of paid sick days. 76% of low-wage workers—including many restaurant employees, hotel workers, child care workers, retail clerks, and nursing home workers—have no access to paid sick days.² Only 22% of food service and hotel workers have any paid sick days. Lack of paid sick days particularly impacts working women, who make up 59% of low wage workers.³ Almost half of working mothers report that they must miss work when a child is sick, but 49% do not get paid when they miss work.⁴

Most workers without paid sick days work with the public and are forced to come to work sick⁵ or risk losing pay or their job. Guaranteeing paid sick days would help reduce the spread of the flu and protect the public from diseases carried by sick workers.⁶ Paid sick days would also mitigate public and private health care costs by enabling workers to seek early and routine medical care for themselves and their families. A lack of paid sick days drives up health care costs because employees can't take care of themselves or their families, forcing all healthcare payers to pay more.

Paid sick days policies also offer substantial savings to employers by reducing turnover, cutting down on the spread of disease at work, helping employers avoid paying for low productivity (“presenteeism”), and minimizing absenteeism.⁷

Californians overwhelmingly support providing paid sick days to all workers. In a 2008 Field Research Corporation poll, 73% of Californians across demographic, economic, ethnic and party lines supported a law to guarantee workers receive a minimum number of paid sick days from their employer.⁸

POLICY OBJECTIVE

Allow every California worker to earn and use paid sick days, without fear of reprisal, for their own personal illness, to care for a sick family member, or to recover from domestic violence or sexual assault.

Background

Currently, no federal or state laws require employers to provide paid sick days to their workers. In 2006, San Francisco became the first jurisdiction in the country to pass an ordinance guaranteeing paid sick days. In 2008, Washington, D.C., and Milwaukee, Wisconsin, passed paid sick days measures. The successful passage of paid sick days measures in these three localities are representative of a national movement to guarantee all workers in the country paid sick days. Over a dozen other states have

proposed paid sick days legislation, and a local measure in Philadelphia is currently pending. A federal paid sick days bill is also pending before the U.S. Congress.

In 2008, California's Healthy Families, Healthy Workplaces Act (AB 2716) was introduced in the California legislature by Assemblywoman Fiona Ma. Sponsored by the California Labor Federation and California ACORN, the bill progressed further in the legislative process than bills pending in every other state in the country. California has been on the forefront of work-family issues and is poised to become the first state in the nation to provide this critical protection to workers.

California has a patchwork of legal protections for employees who need to take time off from work to care for themselves or a family member. For example, California's Kin Care law requires employers who do provide paid sick days to allow workers to use part of those days to attend to the illness of a family member. Various other laws provide unpaid, job-protected leave for workers who need time off to care for themselves or a family member because of a serious health condition, or to seek court relief or services related to domestic violence or sexual assault. California was the first state in the country to pass a Paid Family Leave law, providing wage replacement for workers who need time off to care for a family member with a serious health condition. But California law does not provide job protection or wage replacement to workers who need to care for themselves or a family member with a non-serious illness for a short period of time. California workers who have paid sick days may even be retaliated against for using them.

Recommended Action

It is recommended that the Legislature and Governor enact legislation to enable all workers in California to earn and use paid sick days for their own personal illness, to care for a sick family member, or to recover from domestic violence or sexual assault, and to prohibit retaliation against workers who use their earned sick days.

¹ Vicky Lovell, Institute for Women's Policy Research (2008). Valuing Good Health in California: The Costs and Benefits of the Healthy Families, Healthy Workplaces Act of 2008.

² Heymann J. (2000). The Widening Gap: Why American's Working Families are in Jeopardy and What Can Be Done about It. New York: Basic Books.

³ Vicky Lovell, Institute for Women's Policy Research(2007). Women and Paid Sick Days: Crucial for Family Well-Being, 2007.

⁴ Kaiser Family Foundation (2003). Women, Work and Family Health: A Balancing Act, Issue Brief, April 2003.

⁵ Testimony of Dr. Heidi Hartmann, Institute for Women's Policy Research, before the U.S. Senate Committee on Health, Education, Labor, and Pensions, 2006

⁶ Human Impact Partners (2008). A Health Impact Assessment of the California Healthy Families, Health Workplaces Act.

⁷ Vicky Lovell, Institute for Women's Policy Research (2008). Valuing Good Health in California: The Costs and Benefits of the Healthy Families, Healthy Workplaces Act of 2008

⁸ DiCamillo, Mark. "Three in Four Voters Favor Law to Guarantee Paid Sick Days to All Workers in California." Field Research Corporation. July 2008. <http://www.ccrwf.org/FieldResearchCorpPollonPSD-CCRWF.pdf>