

FORGING A VISION FOR WORKING FAMILIES: PROMOTING FAMILY-FRIENDLY WORKPLACES

**CALIFORNIA WORKING FAMILIES POLICY SUMMIT
FEBRUARY 25, 2010**

INTRODUCTION

The national economic crisis is taking an enormous toll on California's working families. Creating and preserving *quality* jobs is more important now than ever before – 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 Outdated standards are built on the assumption of a traditional male breadwinner and female homemaker, despite the fact that four-in-five families do not fit this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.¹ Our 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.

Working families have unprecedented challenges balancing work and caregiving responsibilities. Nationally, over 70% of families with children have all adults in the workforce.² 4 million Californians are caring for a family member with a chronic or disabling condition.³ Eighteen percent of caregivers are dealing with the pressures of the Sandwich Generation – caring for both children and an adult or elderly relative.⁴ Sixty-three percent of Sandwich Generation families are concerned that the economy will force them to make decisions that will negatively impact the quality of their loved ones' care.⁵ Although caregiving responsibilities fall disproportionately on women, men play a larger role in caregiving today than even before. Three of five fathers in dual-earner couples report significant work-family conflicts.⁶

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. The California Work and Family Coalition advocates for policies that help California's workers keep their jobs and care for their families.

POLICY GOAL #1

Guarantee all workers the right to earn paid sick days.

Rationale

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 DC are the only localities in the country where paid sick days are guaranteed.

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.¹¹ In a 2008 report, Human Impact Partners found that 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

POLICY PROPOSAL #2

Strengthen and expand paid and unpaid family and medical leave laws.

Rationale

The benefits of family and medical leave are well-documented: quicker recovery times, easier compliance with doctor's instructions, and delayed or avoided stays in nursing homes or long-term care facilities.¹³ Family leave also has significant positive effects on the health of young children, rates of breastfeeding, and fathers' involvement with their babies.¹⁴ Studies show that over 60% of working Californians expect they will need to take leave in the next five years.¹⁵ Nationally, more than three quarters of workers who needed but did not take leave cited the lack of pay as the reason.¹⁶ And 37% of workers who did take leave cut their leave short because they could not afford to continue.¹⁷

Family leave is guaranteed by both federal and state law. The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide a total of 12 weeks of unpaid, job-protected family or medical leave. California's Pregnancy Disability Leave (PDL) law provides leave to women for pregnancy-related conditions. And in 2002, California became the first state in the country to pass a Paid Family Leave (PFL) program, providing income replacement to workers on leave for bonding and family caregiving. While these laws were landmark accomplishments and provide critical benefits, changes to these laws are crucial to today's working families, including:

Expand Eligibility for Benefits: Eligibility rules exclude over half of the workforce from the protection of FMLA and CFRA, and the PFL program limits pay for workers on leave to six weeks per year and 55% of income. The PDL does not fully guarantee health insurance coverage to women on leave for pregnancy-related conditions.

Improve Access to Benefits: Burdensome medical certification requirements are barriers to accessing leave under the FMLA and CFRA, particularly for workers on intermittent leave. Because of administrative complexities, understaffed agencies and furloughed state workers, the backlog in PFL claims alone has increased over 400%.

Increase Public Awareness and Employer Compliance: Public awareness and knowledge of leave laws must be increased, particularly for the PFL program. The lack of strong enforcement mechanisms and remedies contributes to low employer compliance rates with leave laws.

POLICY PROPOSAL #3

Prevent discrimination of caregivers in the workplace.

Rationale

Although the vast majority of workers are responsible for the care of a family member, employers continue to make unfair employment decisions because of a worker's real or perceived family responsibilities. Research shows that mothers are often paid less and are less likely to be hired than non-mothers with the same qualifications.¹⁸ Male employees are often penalized at work when they take an active role in caring for their children or sick family member.¹⁹ Workers who take leave receive lower performance evaluations, smaller wage increases and fewer promotions.²⁰ Even if workers have the right to paid sick days or family leave, many workers will not take time off because of concerns about reprisal, retaliation or loss of opportunity. Some employers continue to call into question the dedication and competence of workers with caregiving responsibilities without regard to performance. To make available work family policies useful for working families, it is necessary to protect workers from discrimination because they are or will be caregivers.

THE MOVEMENT FOR FAMILY-FRIENDLY WORKPLACES

There is a movement to promote family friendly workplaces at both the state and federal levels. The California Work and Family Coalition is a leading member of the Family Values @ Work Consortium, an association of labor-community coalitions in 14 states working to improve state workplace standards like paid sick days and family leave. Working families in these states benefit from strategic and coordinated action to improve workplace policies, and the momentum in the states fuels efforts at the federal level. In addition to the three stated policy goals identified above, there are other important work family policies prioritized by the Consortium and critical to the economic security of working families, including:

Worker-controlled flexibility

Millions of workers have no control over their work schedule. All workers should have the right to greater control over their own work schedules so that, consistent with business needs, they can meet their caregiving responsibilities. Such policies would include varying start and end times, advance notice of schedules, the right to refuse mandatory overtime, and the right to vacation time.

Equality for part-time workers

Part-time workers have lower wages, fewer benefits, and even weaker government protections.²¹ In these challenging economic times, a growing number of workers are employed part-time. Women are more than twice as likely as men to be employed part time, and more likely to work part-time for reasons related to work-family balance.²² Part-time workers should have the right to parity in wages, benefits and government protections.

Child care, elder care and the caregiving workforce

Workers need support to meet the caregiving needs of their families – and the caregiving workforce that fills this need deserves *quality* jobs. Families need high quality childcare, preschool, and public education with well-trained and well-compensated teachers. Quality and affordable services for older adults needing care are equally critical, and also require well-trained and well-compensated caregivers.

END NOTES

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- ² US Census Bureau. America's Families and Living Arrangements: 2006. (Available at <http://www.census.gov/population/www/socdemo/hh-fam/cps2006.html>)
- ³ Family Caregiver Alliance and National Conference of State Legislatures. (2004). The State of the States in Family Caregiver Support: A 50-State Study.
- ⁴ Care.com and National Association of Child Care Resource and Referral Agencies. (2009). State of Care Index: July 2009.
- ⁵ Ibid.
- ⁶ Kimmel M. (2009). Has a Man's World Become a Woman's nation? *The Shriver Report: A Woman's Nation Changes Everything*.
- ⁷ Lovell V. (2008). Valuing Good Health in California: The Costs and Benefits of the Healthy Families, Healthy Workplaces Act of 2008. Institute for Women's Policy Research.
- ⁸ Hartmann HI. (2007). 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.
- ⁹ California Center for Research on Women and Families. (2008). Field Research Corporation Poll: California Voters Views About Paid Sick Day Laws.
- ¹⁰ Bhatia R, Farhang L, Heller J, Capozza K, Melendez J, Gilhuly K, Firestein N. (2008). A Health Impact Assessment of the California Healthy Families, Healthy Workplaces Act of 2008. Human Impact Partners and San Francisco Department of Public Health.
- ¹¹ Miller K and Drago R. (2010). Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic. Institute for Women's Policy Research.
- ¹² See supra note 10.
- ¹³ Bravo E and Mendel A. (2007). Family Values at Work: It's About Time! Why We Need Minimum Standards to Ensure a Family-Friendly Workplace. Multi-State Working Families Consortium.
- ¹⁴ Gomby D and Pei DJ. (2010). Newborn Family Leave: Effects on Children, Parents, and Business. The David and Lucile Packard Foundation.
- ¹⁵ Appelbaum E and Milkman R. (2004). Paid Family Leave in California: New Research Findings. UC Berkeley: University of California Institute for Labor and Employment.
- ¹⁶ See supra note 13.
- ¹⁷ Ibid.
- ¹⁸ Boushey H and Williams J. (2010). The Three Faces of Work-Family Conflict: The Poor, the Professionals, and the Missing Middle Williams. Center for American Progress and Center for WorkLife Law, University of California, Hastings College of the Law.
- ¹⁹ Ibid.
- ²⁰ Wayne J and Cordeiro B. (2003). Who is a Good Organizational Citizen? Social Perception of Male and Female Employees Who Use Family Leave. *Sex Roles*.
- ²¹ See supra note 13.
- ²² Ibid.