



the work and family legal center

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The LGBT Community and People Living With HIV/AIDS in Massachusetts Need Earned Sick Time!

Did you know that 36% of workers in Massachusetts—nearly 1,000,000 people—lack a single paid sick day to use when they or their loved ones are ill? The ability to earn paid sick time is crucial for all workers in Massachusetts, but it is especially important to people living with HIV/AIDS, LGBT workers, and their families.

Why do Massachusetts' LGBT and HIV/AIDS Communities Need a Law to Ensure Earned Sick Time?

- **Earned Sick Time Provides a Safety Net to LGBT Workers and Benefits Business:** While most of us take paid sick time for granted, 36% of private sector workers in Massachusetts—and more than 67% of workers who earn less than \$25,000 a year—do not earn paid sick time.¹ Many of these workers are part of Massachusetts' large LGBT community. With more than 225,000 people self-identifying as LGBT, Massachusetts has the sixth-highest percentage of LGBT people among the 50 states.² Based on these statistics, a large number of LGBT workers in Massachusetts are forced to go to work ill because they cannot afford to lose pay or risk their jobs. In addition to reducing the spread of illness, studies have shown that earned sick time helps business by promoting productivity and reducing turnover.³ San Francisco implemented an earned sick time law in 2007, and its success has been clear. Recent research confirms the policy's public health benefits and shows that two-thirds of the city's employers support the law.⁴
- **LGBT Health Disparities Create a Critical Need for Earned Sick Time:** Massachusetts' LGBT community face a number of health disparities. Compared to the state's heterosexual population, LGBT residents are more likely to report a health problem that limits their activities and less likely to report that they are in "very good" or "excellent" health.⁵ And within the Massachusetts LGBT community, bisexual and transgender persons report particularly low health outcomes.⁶ In addition, LGBT Americans generally have a higher risk of cancer than the population at large, and research shows that lesbians and bisexual women have a higher risk than heterosexual women of developing certain cancers; in Massachusetts, for example, lesbian and bisexual women are more likely to report that they have never received a Pap smear, which can increase the risk of cervical cancer.⁷ Given such LGBT health disparities, the widespread lack of earned sick time in Massachusetts is problematic; the U.S. Centers for Disease Control has reported that workers without earned sick time are less likely to see a doctor and get screened for colorectal, breast, and cervical cancer.⁸ Fear of losing pay or a job should not keep the state's LGBT community from addressing their health needs or caring for sick loved ones.
- **Earned Sick Time Legislation Will Protect LGBT Families:** According to census data, individuals in same-sex relationships in Massachusetts are significantly more likely to be employed than married, different-sex adults in the state.⁹ Due to this high rate of employment, LGBT workers in Massachusetts have a heightened need for workplace benefits that support and recognize LGBT families. Research has also shown that many same-sex couples in Massachusetts are raising children, with an especially high percentage of same-sex couples raising children in Western Massachusetts.¹⁰ Earned sick time legislation would strengthen LGBT families by allowing workers to take time off to care for their children and same-sex spouses. Additionally, some LGBT workers in Massachusetts who already earn sick time cannot use it to care for relatives; an earned sick time law would ensure that workers could take off to care for ill loved ones.
- **Earned Sick Time is Important to People Living with HIV/AIDS:** Since the beginning of the HIV/AIDS epidemic, the number of people living with HIV/AIDS in Massachusetts has increased every year, with a 31% increase in the past 10 years.¹¹ Access to earned sick time is a crucial health issue for workers in Massachusetts living with HIV/AIDS, especially those individuals who work in lower-wage and service sector jobs. If these workers are unable to take time off to attend medical appointments and recover from illness, their health and economic security are jeopardized. Furthermore, when sick workers are unable to stay home, they increase the



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spread of illness throughout the community. The unnecessary spread of contagion endangers the health of people living with HIV/AIDS, who face a higher risk of complications from the flu and other communicable illnesses. Earned sick time also influences the ability of workers to care for relatives with HIV/AIDS. Among people living with HIV/AIDS in Massachusetts, 83% are 40 years of age or older and 52% are 50 years of age or older.¹² As the population of people living with HIV/AIDS in the state continues to age, their working family members will face increasing eldercare demands. Passage of an earned sick time law would allow more workers in Massachusetts to support the health needs of loved ones living and aging with HIV/AIDS.

- **Black and Latino/a LGBT Families are Especially Vulnerable:** The need for earned sick time is especially apparent among black and Latino/a LGBT families. Approximately 38% of black workers and 49% of Latino/a workers in Massachusetts receive no earned sick time, compared to 35% of white workers.¹³ In addition, black and Latino/a LGBT couples are more likely to be raising children and struggling financially than white LGBT couples.¹⁴ An earned sick time law would provide greater economic security to LGBT families of color in Massachusetts by allowing workers to address personal and family health needs without sacrificing pay or a job.

Frequently Asked Questions on Earned Sick Time Legislation in Massachusetts

- **How Would a Massachusetts Earned Sick Time Law Work?**¹⁵ Under the current bill, workers in businesses with 6-10 employees would earn up to 40 hours of paid sick time a year, while workers at larger businesses would earn up to 56 hours a year. Workers in businesses with fewer than 6 employees would earn up to 40 hours of unpaid, job-protected sick time a year. Workers could use sick time for their own illnesses, to address the effects of domestic violence, or to care for sick family members, including same-sex spouses and children in LGBT families. Employers would not have to change their policies if they already provide an equivalent amount of vacation or paid time off that can be used when workers or their family members are sick.
- **Have Other Cities and States Passed Earned Sick Time Laws?** Yes! There is growing momentum to make earned sick time a basic labor standard. Earned sick time laws have been passed in Connecticut; San Francisco; Washington, D.C.; Philadelphia; Seattle; Milwaukee; Portland, Oregon; and New York City.
- **Is This The Right Time for an Earned Sick Time Law?** Yes! Workers in today's economy need a sick time law more than ever. An earned sick time law will provide a critical health and economic safety net to workers who are struggling to stay employed and provide for their families. Such legislation is a low-cost way to keep workers employed, to help workers meet the basic needs of their family, and to create health care savings.

¹ See K. Miller and C. Williams, *Valuing Good Health in Massachusetts*, Institute for Women's Policy Research (IWPR) (May 2012); K. Miller, *Race/ethnicity/gender/personal earnings and access to paid sick days in Massachusetts*, IWPR (Oct. 5, 2011).

² G. Gates and F. Newport, The Williams Institute, *Gallup Special Report: New Estimates of the LGBT Population in the United States* (Feb. 2013); Movement Advancement Project (MAP), *LGBT Populations* (May 2013), http://www.lgbtmap.org/equality-maps/lgbt_populations.

³ See, e.g., *Paid Sick Days: Good for Businesses, Good for Workers*, National Partnership for Women & Families (Aug. 2011).

⁴ R. Drago and V. Lovell, *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*, IWPR (Feb. 2011).

⁵ Massachusetts Department of Health, *The Health of Lesbian, Gay, Bisexual and Transgender (LGBT) Persons in Massachusetts* (July 2009), p. 9.

⁶ *Ibid.*, pp. 1, 9.

⁷ See, e.g., National LGBT Cancer Network, *Cancer and the LGBT Community*, <http://www.cancer-network.org/>; S.L. Dibble, S.A. Roberts & B. Nosey, *Comparing Breast Cancer Risk Between Lesbians and their Heterosexual Sisters*, *Women's Health Issues* (2004), 14(2), pp. 60-68; M. Miller, et. al., *Bisexual Health: An Introduction and Model Practices for HIV/STI Prevention Programming*, National Gay and Lesbian Task Force (2007), pp. 4, 41, 108; *The Health of LGBT Persons in Massachusetts*, p. 13.

⁸ *Workers Without Paid Sick Leave May Skip Cancer Screening Tests*, U.S. CDC (2012), http://www.cdc.gov/cancer/cervical/what_cdc_is_doing/screening_workers.htm.

⁹ See *Census Snapshot: Massachusetts* (2008), p. 1 (83% of individuals in same-sex couples in Massachusetts are employed compared to 69% of different-sex married individuals).

¹⁰ See, e.g., A.P. Romeo, et. al., *Census Snapshot Massachusetts*, The Williams Institute (June 2008), p. 2; G.J. Gates & A. Cooke, *Massachusetts Census Snapshot: 2010*, The Williams Institute (2011), p. 3; The Williams Institute, *Percent of Same-sex Couples Raising Children in Top Metro Areas (MSAs)* (May 2013) (showing that 28% of same-sex couples in the Springfield metropolitan area are raising children) (spreadsheet), <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/infographic-msas-may-2013/>.

¹¹ Massachusetts Department of Public Health Office of HIV/AIDS, *Massachusetts HIV/AIDS Data Fact Sheet: Who is Currently Living with HIV/AIDS?* (April 2013), p. 1.

¹² *Massachusetts HIV/AIDS Data Fact Sheet: Who is Currently Living with HIV/AIDS?*, p. 2.

¹³ Miller, *Race/ethnicity/gender/personal earnings and access to paid sick days in Massachusetts* (regarding private sector workers).

¹⁴ *LGBT Families of Color: Facts at a Glance*, MAP, Family Equality Council & Center for American Progress (Jan. 2012), pp. 2-3.

¹⁵ To learn more, see the Massachusetts Paid Leave Coalition's website at <http://www.masspaidleave.org/about.html>.