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January 15, 2021

Dear Senate Majority Leader Schumer, Speaker Pelosi, Biden Transition Team, Senators and Representatives,

A Better Balance is a national nonprofit legal advocacy organization that uses the power of the law to advance justice for workers, so they can care for themselves and their loved ones without jeopardizing their economic security. Since our founding, A Better Balance's mission has been to address the care crisis, advancing policies to support working families at the local, state and federal levels.

Thanks to those efforts, we now have [9 states and D.C.](#) with paid family and medical leave laws, [15 states and 23 localities](#) with paid sick time laws, and [30 states and D.C.](#) have stronger protections for workers in need of pregnancy accommodations. Our work is rooted not only in our policy expertise but also our direct legal services. Through our free work-family legal helpline, we assist thousands of workers each year who are facing economic insecurity and struggling to care for themselves and their loved ones. The COVID-19 pandemic has underscored the urgent need for these policies, as these measures are critical to protecting the health of workers and the wider public.

Congress and the Administration have the power and responsibility to end this country's care crisis. Policies that support working families are not simply economic policies—they are policies that further racial, gender, and economic justice. Women are continuously being knocked down the economic ladder because of their caregiving responsibilities, and women of color far more so. In September 2020, 865,000 women—disproportionately women of color—[left the labor force](#). In December, the U.S. [lost another 140,000 jobs](#), nearly all of them occupied by women of color working in inflexible industries. Women were also [twice as likely](#) as men to report leaving work due to caregiving responsibilities. When women leave the workforce, the economy suffers as [women's labor force participation is a key driver](#) of economic growth and expansion.

Access to work-family policies is also highly unequal, with higher income workers much more likely to have access to paid family and medical leave and paid sick time and lower-income, disproportionately workers of color, far less so. Furthermore, independent contractors and freelancers as well as workers with historically few labor protections such as farmworkers and domestic workers also lack access to critical supports.

Our topline priorities for the 117<sup>th</sup> Congress include:

- **Extending the emergency paid leave provisions in the Families First Coronavirus Response Act through the end of 2021** and expanding emergency paid leave use to include caring for yourself or a loved one with COVID-19, and closing the statutory loopholes that exempt millions of workers from these protections.
- Passing the **Pregnant Workers Fairness Act** to ensure no pregnant worker has to choose between their job and a healthy pregnancy.
- Passing the **Healthy Families Act** to guarantee paid sick time regardless of employer size.
- Passing a permanent comprehensive and inclusive **paid family and medical leave law**.
- **Providing at least \$57 billion to stabilize the child care industry** during the COVID-19 pandemic and investing in a permanent affordable, accessible, and equitable child care infrastructure.

As families struggle to make ends meet, care for themselves or ailing loved ones, and put food on the table, this country needs transformative policy solutions that will allow them to meet the crushing demands of work and care. Below are specific proposals A Better Balance urges the Congress and the new Administration to prioritize to end the care crisis, support working families, and create more just and fair workplaces.

Sincerely,



Dina Bakst  
Co-Founder & Co-President



Sherry Lewant  
Co-Founder & Co-President

The 116<sup>th</sup> Congress made significant progress in advancing policies to support working families, both with respect to the pandemic and more permanent measures. In September 2020, the House passed the Pregnant Workers Fairness Act with overwhelming bipartisan support (329-73). When the pandemic hit in March, Congress acted swiftly and passed emergency paid leave in the Families First Coronavirus Response Act to ensure workers could care for themselves and their loved ones during the pandemic while still keeping their jobs. Congress also allocated \$3 billion and later \$10 billion to stabilize the child care industry. Over the past two years, Congress also held hearings on paid sick and safe leave and paid family and medical leave, highlighting the crucial need for these measures. Working families need all these policies to survive in these trying economic times and the 117<sup>th</sup> Congress is poised to get them over the finish line.

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### **Restore and Strengthen Emergency Paid Leave Rights**

Creating an emergency right to paid leave through the Families First Coronavirus Response Act (FFCRA) was among the most important steps Congress took to combat the pandemic—estimated in [one study](#) to have prevented 400 new cases of COVID-19 in states per day. Yet Congress allowed the program to expire at the end of 2020.

Congress must now act swiftly to extend and expand these protections by reinstating emergency paid leave rights, including the needed fixes passed by the House on a bipartisan basis in the original HEROES Act, including closing all loopholes, expanding emergency paid leave under the Emergency Family and Medical Leave Expansion Act to include recovering from or caring for someone with COVID-19, and extending the sunset date until the end of 2021.

### **Prioritize Passage of the Pregnant Workers Fairness Act in the First 100 Days**

No pregnant woman in this country should have to choose between her job and a healthy pregnancy. Yet, forty-two years after the passage of the Pregnancy Discrimination Act (PDA), this is still happening every day in America. Pregnant women, disproportionately Black, Latinx, and Native women, in low-wage, inflexible, and physically demanding jobs, are routinely fired

or forced out on unpaid leave instead of being granted a temporary, reasonable accommodation that would allow them to keep working.

The **Pregnant Workers Fairness Act**, which passed the House in September 2020 with overwhelming bipartisan support (329-73) would address this gap in the law. Specifically, the PWFA would require employers to make reasonable accommodations for employees who have limitations stemming from pregnancy, childbirth or related medical conditions, unless the requested accommodation would impose an undue hardship on their employer—the same familiar process in place for workers with disabilities. The PWFA would also ensure that a worker cannot be forced to take leave if another accommodation can keep her working and healthy. Hundreds of organizations ranging from labor unions to black maternal health to faith-based organizations support the bill. The PWFA has also garnered strong support from the business community including the US Chamber of Commerce, Society for Human Resources Management, and other major companies. These groups and companies recognize that the PWFA will provide much needed clarity in the law and is a win-win for women, families and the economy.

In the wake of a new [study](#) indicating that pregnant people are at higher risk of severe illness, including an increased risk of death, should they contract COVID-19, we urge Congress and the Biden Administration to prioritize this critical maternal health and economic security measure and urge Congress to prioritize its passage in the first 100 days of the new Administration.

### **Prioritize Passage of a Permanent Paid Family and Medical Leave Program**

We urge Congress to pass a permanent comprehensive and inclusive paid family and medical leave program that meets the needs of workers in the United States.

The need for a paid family and medical leave program in this country is clear—but workers need an effective program that meets the needs of all families and, in particular, those who face additional barriers due to race, income, family composition, or disability. Congress must pass a paid family and medical leave program that:

1. **Covers all workers:** *All* workers will face the need for paid leave at some point in their working lives. Those needs will not vary depending on employer size, part-time or full-time status, public or private sector, or whether they are employees or independent contractors. A national paid leave program must cover *all* workers.
2. **Ensures the right to return to work:** If workers can be fired for using it, then the law does not provide leave—just pay. A national paid leave law must ensure the right to return to work following leave, protect against retaliation, and guarantee continuation of health insurance for all workers.
3. **Provides at least 12 weeks of paid leave for all workers for their own or a family member's serious health condition, to bond with a new child (for a parent of any gender), or to address the impact of deployment.**
4. **Includes a definition of family that recognizes the diversity of families in America, so that every worker can care for their loved ones.**

5. **Provides a progressive wage replacement rate that ensures all workers, including low-income workers, can afford to use their leave and still meet their families' needs.**
6. **Provides for effective government Administration and enforcement, including a fair and sustainable funding mechanism.**
7. **Recognizes the effectiveness and importance of existing state paid family and medical leave programs.**
8. **Provides for robust outreach and education, including dedicated funding to support this essential work.**

### **Prioritize Passage of a Permanent Paid Sick and Safe Time Law**

The United States still has no nationwide permanent paid sick time law, leaving more than 33 million workers without access to paid sick leave. In 2020, in response to the coronavirus pandemic, Congress passed the Families First Coronavirus Response Act (FFCRA) and the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide access to emergency paid sick leave for some workers through December 30, 2020. The legislation marked a historic milestone as this was the first time the U.S. had passed any sort of federal paid leave law. That said, there are still far too many gaps in the law, leaving tens of millions without coverage and there is still no permanent nationwide paid sick time law.

We have passed paid sick time laws in 15 states and 23 localities, including the nation's largest cities. It is time for a national law that applies to all U.S. workers. We urge Congress to immediately pass the **Healthy Families Act**—amended to guarantee paid sick time regardless of employer size—to fight the spread of disease, provide leave to address the impacts of domestic and sexual violence, and ensure no worker has to choose between their health and their economic security.

### **Stabilize and Strengthen the Child Care Industry During the Pandemic and Beyond**

The pandemic has forced millions of parents to make impossible choices between caring for their children and earning a paycheck. Parents, especially mothers, and child care providers are suffering. The child care industry is the backbone of our economy and when it falters our economy crumbles. According to the [U.S. Census Bureau](#), “Women ages 25-44 are almost three times as likely as men to not be working due to childcare demands.” Unless Congress provides significant funding for the industry, many child care providers will be forced to close permanently.

We urge Congress to ensure the next COVID-19 relief package **includes \$50 billion to create a fund to stabilize the child care sector** as well as **\$7 billion in funding through the Child Care Development and Block Grant**. This funding will help sustain the viability of child care providers and ensure parents and families can continue working.

Congress must continue to robustly fund child care through appropriations and work to pass legislation to build a more equitable, affordable, accessible, and sustainable child care economy in line with the [goals outlined by 187 organizations](#), including ours.

## **Support Breastfeeding Workers and Prioritize Passage of the PUMP Act**

The Break Time for Nursing Mothers law, passed in 2010, (“the 2010 Break Time law”) provided critical protections to ensure that employees would have reasonable break time and a private place to pump. But because of an unintentional gap in the law, millions of nursing mothers were left without a clear right to pump at work.

Without these protections, nursing mothers face serious health consequences, including risk of painful illness and infection, diminished milk supply, or inability to continue breastfeeding. **The PUMP for Nursing Mothers Act** (S. 3170/H.R. 5592) would strengthen the 2010 Break Time law by 1) closing the coverage gap in the law that has excluded 9 million workers from the law; 2) providing clarity to employers regarding when pumping breaks must be paid; and 3) ensure nursing parents can adequately enforce their rights under the law.

## **Strengthen Title VII & Equal Pay Protections**

Federal anti-discrimination law still leaves too many people out, including independent contractors and domestic workers and those who work for small employers. The law also provides no explicit anti-discrimination protections for caregivers. Moreover, while Congress passed the Equal Pay Act in 1963, pay discrimination is still rampant and we need to strengthen our nation’s pay discrimination laws.

- **Amend Title VII to add caregiver status as a protected class** – this is especially important as caregivers face increased challenges providing care to ill loved ones or children whose schools or child care providers are closed. In addition, add a provision to Title VII that would require employers to provide reasonable accommodations to employees who need the accommodation to care for a dependent with disabilities so long as the accommodation does not pose an undue hardship on the employer.
- Lower the employee threshold in Title VII and include protection for domestic workers.
  - To achieve this aim, Congress should pass:
    - **The BE Heard Act and the Domestic Workers Bill of Rights.**
      - In addition to strengthening protections for workers facing discriminatory harassment, the **Be Heard Act** lowers the employee threshold in Title VII as well as extends Title VII coverage to independent contractors and domestic workers.
      - The **Domestic Workers Bill of Rights** would require employees to provide legal protection from sexual harassment and discrimination. It would also require a written agreement outlining clear expectations about pay, duties, scheduling, and time-off policies, require employers to use fair scheduling practices, so workers don’t miss out on pay due to last-minute schedule changes. And it would provide workers with up to 56 hours of paid sick time per year, and other basic rights.

- End wage inequality once and for all by passing the **Paycheck Fairness Act**, a bill that would help end wage discrimination by strengthening current weaknesses in the Equal Pay Act.

### **Address the Black Maternal Health Crisis**

This country is facing a Black maternal health crisis and we need comprehensive, multi-faceted solutions to address the myriad factors contributing to the maternal and infant health crisis. We urge Congress to pass the **Black Maternal Health Momnibus Act**, a package of nine bills that includes, among many key provisions, funding for community-based organizations working to improve Black maternal health disparities, studying risk factors, investing in telehealth and social determinants of health, and growing and diversifying the perinatal workforce.

### **Guarantee Fair and Predictable Work Schedules & Enhance Rights of Part-Time and Temporary Workers**

Workers today face increasing strain between their jobs and their family needs. This is made all the more difficult when workers face unpredictable schedules and cannot plan for things like child care or other caregiving needs. Moreover, many workers with only part-time schedules may not have access to crucial benefits like health care, while temporary workers are systematically underpaid and under-protected. In addition to the executive action proposed above, Congress should also prioritize legislation solutions to address both the issue of unfair and unpredictable schedules and the challenges faced by part-time work including the Schedules that Work Act, the Part-Time Workers Bill of Rights, and Restoring Worker Power Act.

**The Schedules that Work Act** would improve the well-being of working families by giving employees more of a say in their work schedules. The measure would guarantee workers the right to request a schedule change without fear of retaliation, and require that employers grant requests made for reasons related to caregiving responsibilities, one's own medical needs, a second job, or education/training, absent a bona fide business reason for not doing so. The bill would also give workers the right to know their schedule, and require additional pay if schedules are changed with inadequate notice. Workers would also be guaranteed adequate time between shifts to rest.

**The Part-Time Workers Bill of Rights** would extend protections to the part-time workforce in several key ways including ensuring part-time parity (i.e. treating part-time and full-time workers who work in similar positions the same with respect to wages, benefits, and access to promotions), offering additional hours to existing employees before hiring new employees, offering part-time employees access to employer pension plans, and eliminating the restrictive eligible requirements in the Family and Medical Leave Act such that part-time workers can be eligible for FMLA.

**The Restoring Worker Power Act** would provide essential protections to temporary workers, including ensuring equal pay with direct hires performing the same work, providing transparency around the terms and conditions of assignments, requiring health and safety training, requiring temp agencies to register with the Department of Labor and provide key disclosures to root out

occupational segregation and discrimination, and banning non-compete agreements and limiting conversion fees to increase opportunities to transition to permanent employment.

### **Ensure Agencies Have the Resources to Robustly Enforce Workplace Laws**

Through our free legal helpline, we know firsthand that workers who file charges at the EEOC face impossibly long wait times. The same is true of those who file complaints with the DOL. Moreover, many workers are unaware of their workplace rights in the first instance. Congress must increase funding in the FY 2022 Appropriations for the Department of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC) to ensure 1) workers know about their rights and 2) robust enforcement of our labor and anti-discrimination laws. The only way to guarantee our nation's workplaces are free from labor and employment violations, misclassification, discrimination, and harassment is to make the necessary investments in the agencies that protect workers' rights.