

Testimony from A Better Balance for the Senate Health Education, Labor and Pensions Committee: Paid Leave for Working Families: Examining Access, Options, and Impacts May 18, 2021

We submit testimony on behalf of A Better Balance, a legal advocacy organization whose mission is to fight for policies protecting American workers from having to choose between caring for themselves and their families and maintaining their economic security. We have been working on needs affecting working families, including paid family and medical leave, throughout the country for over a decade, drafting or helping to draft almost all of the state paid family and medical leave laws, and we applaud this committee’s attention to these critical issues.

We also run a free and confidential legal helpline to assist workers with issues affecting their ability to balance work, health, and family. When the COVID-19 pandemic hit, our call volume exploded—since March 2020, we have heard from thousands of workers across the country, from those needing time to recover from their own COVID symptoms to parents struggling with school and daycare closures to those with other health and caregiving needs, all in the face of a rapidly worsening economic situation. From caller after caller, we heard about a crisis in care, where longstanding gaps in our infrastructure, from a lack of national paid leave and paid sick time rights to a strained and stressed childcare system, were exacerbated by twin emergencies of public health and economic decline. The burdens—and the consequences—of this care crisis fall disproportionately on women and especially hard on low-income women and women of color.

Through our helpline, we heard from workers fighting to recover from COVID or care for loved ones who were recovering from the disease, like Genevieve, a medical assistant in Illinois. She works for a small medical facility with under 50 employees. Last summer, both she and her 4-year-old daughter contracted COVID-19. Because she had used the limited number of paid sick days her job provided earlier in the year, when COVID struck her family, Genevieve’s employer refused to pay her for the time off she needed, telling her she could file for short-term disability for just two weeks but then pushing her to return to work even before the two weeks were up. This mounting pressure made Genevieve fear for her job if she took the time she needed, interfering with her ability to recover fully and to care for her ill daughter. A federal paid family and medical leave program would have guaranteed that Genevieve had access to the time she needed to care for herself and her daughter as they recovered from COVID, without risking the job and the income her family relies on.

We heard from mothers left in the lurch when schools closed, like Dreama James. Dreama works for a fast food restaurant in Georgia. She called ABB’s legal helpline once she learned her 11-yr

old son would start virtual school in mid-August, 2020. She knew she likely would not have enough paid leave to cover his schooling in the fall since she had used paid leave in April when schools closed. She couldn't afford the \$280/week for a tutor to teach her son so she asked a manager if he could do his virtual school from the fast food lobby while she worked since he couldn't be home alone according to the state of Georgia. Her manager said no and that the fast food restaurant "wasn't a daycare," leaving her stressed and scrambling. She eventually made arrangements for her friend to watch her son, along with the friend's six other children. She was grateful even for that arrangement, but still had to cut back her schedule and lose pay for the one day per week when she caught up with teachers, as well as when school closed for extended holidays and to deal with COVID outbreaks, even once they returned in-person. She is still trying to claw her way back economically. She thinks it's unfair to have to either leave your children at home alone or not be able to have money to take care of them.

We also heard from those caring for seriously ill loved ones, like Eileen.* Eileen was a factory worker in Illinois for over three decades and a caregiver for her husband, as he experienced a stroke, kidney failure, and a broken back from a fall. Though she was covered by the federal Family and Medical Leave Act, she quickly ran through her vacation time caring for her husband and, once it ran out, struggled to afford unpaid time off, often going into work when she needed to stay home to provide care. As she said, "It was very stressful trying to figure out when I should take off, when I should stay home. When I was at work, I was worried he would fall." When COVID hit, the pressures only got harder as she feared contracting the virus at work and exposing her vulnerable husband. Ultimately, she ended up leaving the workforce early in part because she needed to care for her husband. For Eileen, a federal paid family and medical leave program would have meant the ability to take the time she and her family needed without risking the income her family depended on to pay their bills.

As the experiences of these workers and many more we've heard from show, we all deserve the time and tools we need to care for ourselves and families when we need it most. Through our helpline, we were able to assist workers in accessing paid leave and other protections where they existed, whether through state or local law or under the emergency protections of the Families First Coronavirus Response Act—critical lifelines at a time when too many were drowning. What we heard from callers who were able to get the leave they needed confirmed what the research data shows: when COVID hit, workers in states that already had paid leave programs benefited from that critical safety net, from growth in caregiving to the flexibility to provide new benefits.¹ At the same time, without a permanent, national paid leave program, too many of our callers—and too many workers across the country—simply did not have the rights they needed to stay home when sick or to care for a sick family member infected by corona. With the spread of a deadly and extremely contagious disease conveyed from person to person, the lack of paid

* Name changed at the worker's request

leave that would have enabled workers across the country to stay home when they or a family member were affected by the virus undoubtedly fostered the deadly spread and was one of the factors leading to the enormous number of deaths in the U.S. Those without access to paid leave were forced to make impossible choices among health, family, and work to the detriment of themselves and the nation.² Even with emergency interventions, our lack of a national paid leave policy also compromised the effectiveness of our pandemic response by making it harder for working caregivers to socially distance.³

As we seek to recover from the impacts of the pandemic while building a more equitable economy for all, there has never been a more urgent or more apt moment to ensure permanent paid family and medical leave rights for all Americans. Paid family and medical leave responds directly to many of the most pressing needs created and exacerbated by this pandemic. Countless workers will experience ongoing, long-term health and caregiving needs as a result of contracting COVID-19, including those for whom COVID compounds a prior serious medical condition or disability.⁴ Paid family and medical leave will ensure workers can take the time they need to address their own or a loved one's COVID-related needs in the years to come.⁵

Moreover, the pandemic has pushed millions of women out of the workforce,⁶ disproportionately women of color, while others were forced to reduce work—resulting in an estimated \$64.5 billion annually in lost wages and economic activity and potentially setting back women's economic equity by decades.⁷ Paid leave is a proven tool for supporting women's labor force attachment and earning potential, giving women in the workforce more support when it is most needed and investing in both the strength and the equity of our economy.⁸ There has never been a more pressing time for a policy that, uniquely, is both a powerful public health tool and a game-changing economic intervention.

We can and must move swiftly to ensure that all workers have the paid family and medical leave they need for the future, before the next crisis hits. Nine states and the District of Columbia have already passed their own paid family and medical leave laws,⁹ laws we were proud to help write, fight for, and win. These states have shown the path forward toward the national solution we need. Leave must be comprehensive, covering time off for workers' own serious health needs or those of a loved one, to bond with a new child, or to address the impact of military deployment. It must be universal, covering all workers, whether they work as employees or contractors, full or part-time, in the public or private sector, or for large or small employers. It must be portable, allowing workers to keep the benefits they have earned as they move from job to job or combine multiple sources of income, reflecting the changing nature of work. It must offer a duration long enough to meet workers' needs and a wage replacement rate that all workers, including low-income workers, can afford to use. It must be inclusive, ensuring workers' ability to care for all those they consider family and the right to bond for all kinds of parents. And it must be secure,

ensuring the ability of all workers to take the time they need and then return to work without risking their livelihood.

As we move towards a path out of the pandemic, the calls keep coming from workers who still lack the paid leave they need, not only for COVID-related needs but for all the reasons that workers have always needed paid leave. We hear from workers like Alexzandria, whose story Representative Dan Kildee read into the record at this hearing. Alexzandria is a studio manager and massage therapist at a small massage studio in Michigan. She is currently pregnant and due to give birth in October 2021. After she announced her plans to start a family, her boss handed her an agreement to sign indicating that if she were ever to take leave for more than one to two days at a time, her salary would be suspended. To make matters worse, she does not even have the right to take unpaid time off when she gives birth because her company is too small to be subject to the Family and Medical Leave Act. Her state also does not have a law that would require her employer to provide her with reasonable accommodations for pregnancy and childbirth such as time off to physically recover. She is very concerned about receiving income while recovering from childbirth, as she will also not have access to short-term disability benefits. She is also concerned that there is no guarantee her job will be held while she is on maternity leave.

Workers like Alexzandria needed paid leave before the pandemic. They needed it yesterday, they need it today, and they will need it tomorrow. It is past time for the United States to ensure this essential right for all Americans. We applaud Chairman Neal, the members, and this committee for this hearing shining a spotlight on this critical need and for their continued leadership in fighting for working families.

Respectfully submitted by Sherry Leiwant, Co-President and Co-Founder
(sleiwant@abetterbalance.org).

¹ Chantel Boyens, Urban Institute, State Paid Family and Medical Leave Programs Helped a Surge of Workers Affected by the COVID-19 Pandemic (June 2020), https://www.urban.org/sites/default/files/publication/102325/state-paid-family-and-medical-leave-programs-helped-a-surge-of-workers-affected-by-the-covid-19-pandemic_0.pdf.

² Kimberly Montez et al., *An Opportunity to Promote Health Equity: National Paid Family and Medical Leave*, 146 Pediatrics Perspectives 1 (June 16, 2020).

³ Jeffrey E. Stokes & Sarah E. Patterson, *Intergenerational Relationships, Family Caregiving Policy, and COVID-19 in the United States*, 32 J. Aging & Social Pol’y 416, 420 (June 3, 2020).

⁴ Catherine Whelan and Taylor Haney, “What It’s Like When COVID-19 Lasts For Months,” NPR, August 10, 2020, available <https://www.npr.org/2020/08/10/900710151/what-its-like-when-covid-19-lasts-for-months>; Letter from the Cystic Fibrosis Foundation et al. to Congress (April 9, 2020), <https://www.cff.org/About-Us/Our-Approach-to-Federal-State-and-Local-Policy/Our-Policy-Priorities/Briefings-Testimonies-and-Regulatory-Comments/CF-Foundation-Urges-Congress-to-Expand-Paid-Leave-Policies.pdf>.

⁵ Rebecka Rosenquist & Caroline La Rochelle, Paid Leave: Will COVID-19 be a Catalyst for This Essential Policy?, Children’s Hospital of Philadelphia Policy Lab (Sept. 25, 2020), <https://policylab.chop.edu/blog/paid-leave-will-covid-19-be-catalyst-essential-policy>.

⁶ The most recent data show there are over 2 million fewer women in the workforce now than there were in January 2020. Bureau of Labor Statistics (Dec. 2020), <https://www.bls.gov/news.release/pdf/empsit.pdf>.

⁷ Julie Kashen, Sarah Jane Glynn, and Amanda Novello, *How COVID-19 Sent Women’s Workforce Progress Backward: Congress’ \$64.5 Billion Mistake* (Oct. 30, 2020), Center for American Progress, <https://www.americanprogress.org/issues/women/reports/2020/10/30/492582/covid-19-sent-womens-workforce-progress-backward/>.

⁸ Paid Family Leave Increases Mother’s Labor Market Attachment (January 2020), Institute for Women’s Policy Research, <https://iwpr.org/wp-content/uploads/2020/01/B383-Paid-Leave-Fact-Sheet.pdf>; Zachary Campell et al., The Impact of Paid Leave: Evidence from Temporary Disability Insurance in Rhode Island (July 2017), 30, <https://www.mathematica-mpr.com/-/media/internet/conferences/2017/drc-annual-meeting2017/summaries/hastings.pdf?la=en>; Linda Houser & Thomas Vartanian, Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Businesses and the Public, Ctr. for Women & Work 2, 6-7 (2012), available at <http://www.nationalpartnership.org/researchlibrary/work-family/other/pay-matters.pdf>.

⁹ For more information on state paid leave laws, see our comparative chart at <https://www.abetterbalance.org/resources/paid-family-leave-laws-chart/>.