

Results from 2021 Survey of Morrisania Women, Infants & Children (“WIC”) Participants

In 2021, A Better Balance surveyed nearly 200 participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”) assistance program at the Morrisania Diagnostic & Treatment Center in the Bronx, New York.

The survey revealed a **significant lack of access to information among low-wage pregnant and postpartum workers about their workplace rights** to temporary disability benefits, paid family leave, and pregnancy and lactation accommodations.

Since late 2020, A Better Balance has partnered closely with WIC Morrisania to educate WIC participants about these laws. **We urge State and City agencies, including the Workers’ Compensation Board, Division of Human Rights, and Department of Labor, to dramatically increase their outreach and education efforts** to underserved communities, in order to boost awareness and uptake of critically important workplace rights. Workers cannot access legal entitlements they do not know they have.

DEMOGRAPHICS OF SURVEY RESPONDENTS

- All survey respondents were current (or, if unemployed, recent) New York workers who had currently or recently received WIC benefits or services. To receive WIC, a worker generally must be low-income and pregnant, postpartum, or breastfeeding.¹
- The survey was administered in Spanish and English. Sixty percent of respondents completed the survey in Spanish (referred to here as the “Spanish-speaking respondents”) and 40% of respondents completed the survey in English (the “non-Spanish-speaking respondents”).
- The vast majority of respondents self-identified as: non-white Hispanic, Latino, or Spanish (referred to here as “non-white Hispanic/Latinx”); white Hispanic, Latino, or Spanish (“white Hispanic/Latinx”); and Black or African American (“Black”).
- The top industries in which respondents self-reported working were: healthcare, domestic work, restaurant/food services, and childcare.

FINDINGS

Temporary disability benefits.

- Forty percent of respondents did not know or were unsure that New York workers have a right to monetary benefits while unable to work due to recovery from childbirth—a program called New York Temporary Disability Insurance (“TDI”).
 - Black respondents were less likely to know about the right to these benefits than non-white and white Hispanic/Latinx respondents.
- A majority of respondents reported they did not ever apply for or receive TDI.
 - Spanish-speaking respondents were less likely to apply for or receive TDI than non-Spanish-speaking respondents.

¹ More specifically, an individual must be pregnant, postpartum, breastfeeding, or have a child under age five. Their gross income must be at or below 185% of the federal poverty income guidelines or they must participate in a program such as Medicaid, SNAP, or TANF. *See* U.S. Dep’t of Agric., WIC ELIGIBILITY REQUIREMENTS (Apr. 22, 2022), <https://www.fns.usda.gov/wic/wic-eligibility-requirements>.

- Respondents who were aware of the right to TDI were much more likely to try to exercise that right than those who were not.

Paid family leave.

- More than 1 in 3 respondents did not know or were unsure that New York workers have a right to paid time off to bond with a new baby or care for an ill family member—a program called New York Paid Family Leave (“PFL”).
 - Spanish-speaking respondents were more likely to not know or to be unsure of the right to PFL, compared with non-Spanish-speaking respondents.
- A majority of respondents did not apply for or receive PFL.
 - Spanish-speaking respondents were less likely to apply for or receive PFL, compared with non-Spanish-speaking respondents.
- Respondents who were aware of the right to PFL were much more likely to try to exercise it than those who were not.

Workplace pregnancy accommodations.

- A majority of respondents reported needing a workplace pregnancy accommodation. The most common accommodations needed were:
 - Additional breaks;
 - Time off to attend medical appointments;
 - Time off to recover from childbirth;
 - Light duty;
 - A stool or chair to sit on; and
 - A change to work schedule.
- Despite this need, nearly 1 in 3 respondents—who were currently or recently pregnant workers—disclosed that they did not know or were unsure whether New York workers have a right to receive accommodations at work for pregnancy, childbirth, and related conditions.
- There were striking disparities in access to knowledge about the right: Black respondents disproportionately reported not knowing or being unsure of the right to pregnancy accommodations, compared to non-white and white Hispanic/Latinx respondents.

Workplace lactation accommodations.

- Nearly 1 in 3 respondents did not know or were unsure that New York workers have a right to break time and space to pump milk at work.
- There were substantial disparities in access to knowledge, with Black respondents reporting less awareness of the right than non-white and white Hispanic/Latinx respondents.

Consequences.

- More than 1 in 3 respondents reported experiencing consequences due to being unable to obtain accommodations or paid leave. The most common reported consequences were: quitting one’s job, losing some or all of one’s income, and not getting enough time with one’s baby.
- Black and non-white Hispanic/Latinx respondents disproportionately experienced consequences, as compared with white Hispanic/Latinx respondents.

- Respondents working in childcare and healthcare likewise disclosed higher consequence rates than those working in other industries.

RECOMMENDATIONS

- **The Workers' Compensation Board ("WCB") must improve public education on the Temporary Disability Insurance law ("TDI").** Forty percent of survey respondents—who were all low-wage pregnant or recently postpartum workers—reported not knowing or being unsure about the right to monetary benefits during and after pregnancy. Workers cannot exercise rights they do not know about. The agency should target education campaigns toward the most vulnerable workers, particularly Black and Spanish-speaking workers, who reported having less access to information about TDI than other workers.
- **The WCB must likewise improve outreach efforts on Paid Family Leave ("PFL"), particularly to Spanish-speaking workers.** More than 1 in 3 respondents disclosed not knowing or being unsure of the right to PFL to bond with a baby or care for a seriously ill loved one. Workers who did not know their rights to PFL were far less likely to exercise those rights. The consequences of being unable to access paid leave can be significant, triggering lost income and depriving workers of much-needed time with their infants. Employers have an obligation to provide notice to their workers about the right to PFL but too many workers are still unaware of their rights and the agency can and must do more.
- **The New York State Division of Human Rights ("DHR"), New York State Department of Labor ("DOL"), and New York City Commission on Human Rights ("CCHR") must improve outreach and education on the State's and City's pregnancy and lactation accommodation laws.** Overwhelmingly, workers reported needing modest accommodations at work, including additional breaks, time off to attend medical appointments, light duty, and change to work schedule—yet 1 in 3 respondents did not know that workers have a legal right to such accommodations. Public education efforts should focus especially on Black workers, who reported having less access to knowledge about their pregnancy accommodation and lactation break time/space rights than other workers.
- **Finally, New York City's [new law](#), Education about City Standards for Respectful Care at Birth (Int. No. 86-A), provides a critical and timely opportunity to renew and expand public education efforts.** The law requires the mayor to launch a public education campaign covering the rights of pregnant and postpartum workers to pregnancy accommodations, disability benefits, paid family leave, and paid sick time. We urge the City to bolster this education campaign with robust, targeted outreach to the most underserved communities—to ensure that this vital information reaches those workers who need it most.