



## **Balancing Work and Life: Family-Friendly Workplace Policies**

The American Association of University Women (AAUW) believes that creating a work environment that helps employees balance the responsibilities of work and family is smart for businesses and good public policy. AAUW is committed to “greater availability of and access to benefits and policies that create a family-friendly workplace environment,” which are critical to women’s “equitable access and advancement in employment.”<sup>1</sup>

Despite the Family and Medical Leave Act (FMLA) and a patchwork of state laws and employer-based benefits, family and personal sick leave remain elusive to many working Americans. And despite the relative wealth of the United States, its family-oriented workplace policies lag dramatically behind those in much of the rest of the world, including all high-income countries and many middle- and low-income countries.<sup>2</sup> For example, of the 173 countries surveyed by Harvard and McGill University researchers, the U.S. is one of only five that do not guarantee some form of paid maternity leave, a distinction it shares with Lesotho, Liberia, Swaziland, and Papua New Guinea.<sup>3</sup> Further, of 21 high-income countries reviewed in a 2008 report by the Institute for Women’s Policy Research, 17 countries have statutes that allow parents to move to part-time work or adjust their working hours, 12 have statutes to help workers adjust work hours for training and education, and five allow schedule adjustments for those with family care-giving responsibilities for adults. The United States offers none of those family-friendly policies.<sup>4</sup> Clearly, there is still much room for improvement to make our workplaces more family-friendly.

### **Improving Worker Productivity: Encouraging Flexibility in the Workplace**

The past fifty years has seen substantial changes in the composition of the American workforce. Two-thirds (about 64 percent) of women with children under six are in the labor force.<sup>5</sup> Nationwide, 48.9 million individuals provide care for an adult family member or friend, and more than 70 percent of those care recipients are over the age of 50.<sup>6</sup> Unique solutions are necessary to meet the demands of families and the obligations of work. Traditional scheduling and inflexible practices are often detrimental to the balance most employees need. AAUW supports flexible work policies that take many forms including job sharing, telecommuting, and career flexibility. Further, policies such as affording employees greater control over their own work schedules, including start and end times; the right to request schedule adjustments and flexible work policies from their employers; and the right to part-time parity in wages, benefits, and government protections, are important improvements for the 112th Congress and the administration to work towards.

### **Expanding Family and Medical Leave**

The Family and Medical Leave Act helps employees balance the increasing demands of work and family at little or no cost to employers. FMLA allows eligible women and men who work for employers with 50 or more employees to take up to 12 weeks of unpaid leave each year for

certain family and medical purposes. Specifically, employees may use FMLA leave when they are seriously ill or when they must care for a newborn or adopted child or a seriously ill member of their immediate family. Employees receive continued health benefits while on leave and are guaranteed the same or an equal position to the one they held prior to their leave.

Lawmakers have discussed a variety of proposals to expand FMLA to cover more Americans and more family and medical needs, as well as to alter the unpaid status of FMLA leave. These are important expansions to FMLA that are necessary to support working families. AAUW also supports adding provisions to FMLA to provide job protection for other important family responsibilities such as parent-teacher conferences, accompanying an adult child or ill sibling on a doctor's visit, as well as to include coverage for victims of domestic violence and coverage for caregiving in same-sex marriages and civil unions.

AAUW will defend FMLA from any attempts to weaken it, either through legislative or regulatory efforts. The recent Administrator Interpretation ensuring that caregivers in *loco parentis* are offered FMLA coverage was a positive step toward greater FMLA inclusion.<sup>7</sup> AAUW also urges the administration to finalize its reversal of harmful regulations that make it harder for most workers to access the benefits of FMLA. Because of these regulations, workers now have less time to give notice of their need for leave, while at the same time are subject to increased requirements when requesting leave. In addition, because of the new regulations, it is more difficult for workers to use paid leave in conjunction with FMLA leave, leaving many workers unable to afford to take leave at all. These adverse effects of the 2008 regulations should be fixed so that families can fully utilize FMLA.

### **Threats to Family and Medical Leave**

Despite the important achievements of the law and the evidence of its benefit to workers, attacks continue against the important protections FMLA affords. Most business groups opposed the FMLA, and even state governments tried to shrink from their responsibilities under the law. In May 2003, the U.S. Supreme Court affirmed (6-3) that states must comply with the FMLA, in *Hibbs v. Nevada Department of Human Resources*.<sup>8</sup> State employees are entitled to the same family leave rights as other working Americans. AAUW signed on to an *amicus* brief in support of *Hibbs* and applauded the Court's ruling. In addition, on the federal level, a number of regulations have been put in place that have limited the benefits available or made it more difficult for employees to take family and medical leave.

- In 2003, the Bush administration repealed a regulation instituted under the Clinton administration that allowed states the option of using their unemployment insurance (UI) fund to help parents take time off to care for their newborn babies. This repeal prevents the 16 states that have already proposed paid leave legislation from utilizing part of the UI funds and prevents other states who might have been interested in exploring this option in the future.
- In November 2008, the Department of Labor finalized new FMLA regulations. Included in these changes are positive expansions that apply to members of the Armed Forces.

However, the changes include provisions that decrease the time workers have to give notice of their need for leave, while at the same time increasing the requirements for requesting leave. In addition, workers will have a tougher time using paid leave in conjunction with FMLA leave, leaving many workers unable to afford to take leave at all. Finally, employers will have greater access to health information on workers and their families, jeopardizing their medical privacy. AAUW spoke out against these changes, explaining that now is the time to expand family and medical leave, not make it more difficult to use or to limit benefits. AAUW will continue to advocate for more coverage for more people under FMLA, and to rescind the harmful new regulations.

### **Paid Leave**

AAUW has long supported flexible workplace policies to address the family responsibilities of employees. Offering workers the option of taking time off when they or a family member is sick is not just good for families, it's good for business. At least 145 countries worldwide provide paid sick days, with 127 providing a week or more annually. More than 79 countries provide sickness benefits for at least 26 weeks or until recovery.<sup>9</sup> But many hardworking Americans do not have access to the important benefit of paid sick leave. In fact, 42 percent of private sector employees do not have paid sick days.<sup>10</sup> Low-wage workers are especially hard hit, with 67 percent receiving no paid sick days.<sup>11</sup> Further, 27 percent of low-income women put off getting health care because they cannot take time off from work, and 18 percent of women at all income levels face this situation.<sup>12</sup> More than 22 million working women do not have paid sick days,<sup>13</sup> and as a result, half of working mothers report that they must miss work and often go without pay when caring for a sick child.<sup>14</sup> Lastly, with more than a third of Americans already experiencing significant elder care responsibilities,<sup>15</sup> coupled with the aging of the baby boomers, the problem is likely to worsen in the years ahead.

Without sick days, employees often come to work ill, decreasing productivity and infecting coworkers. Further, families with children are often confronted with difficult choices. For the 86 million Americans who do not have paid sick days,<sup>16</sup> a decision to stay home to care for a sick child or family member could jeopardize their job or family income. The number of Americans who are 75 or older is expected to more than double between 1990 and 2030; by that time, we will have nearly 50 million individuals aged 65 or older.<sup>17</sup> Currently, 16 percent of Americans 18 years old and older care for a relative who is 50 years old or older. Many of these caregivers are employed – about half work full-time, and 11 percent are employed part-time.<sup>18</sup> These employees need flexibility to meet the demands of both responsibilities.

Employees need flexibility to meet the demands of both care and employment responsibilities. The success of San Francisco's paid sick days ordinance demonstrates how viable paid sick days can be for business and employees: six out of every seven employers in San Francisco did not report negative profitability effects.<sup>19</sup>

Employer-based paid leave policies are also often remiss in addressing the needs of new parents. Paid parental leave enables working parents to take care of and bond with their newborns and newly-adopted children—which is critical to their children's health and well-

being—without having to worry about their paycheck. As more mothers have entered the paid labor force for their family’s economic security—increasing their labor force participation rate from 47 to 71 percent between 1975 and 2007<sup>20</sup>—access to paid parental leave has become a necessity for today’s working families.

Further, paid parental leave allows working parents-to-be to schedule prenatal care appointments, an essential component in ensuring the health of expectant mothers. Currently, 25 percent of females do not receive adequate prenatal care —defined as 13 visits to a doctor starting in the first trimester of pregnancy—often because they are unable to take time off of work. However, forgoing these appointments can have drastic consequences, as women who do not receive prenatal care are three to four times more likely to die of pregnancy-related complications than those who do.<sup>21</sup> By providing paid parental leave, employers enable women to ensure their own well-being in addition to that of their unborn child.

For these reasons, AAUW supports legislation such as the Healthy Families Act, which will provide seven accrued paid sick days for full-time employees and a pro-rated number for part-time employees, and provisions that provide paid parental leave for all employees, including those working for the federal government.

### **State and Local Efforts to Improve Work/Life Policies**

States and municipalities have also been building on the success of the FMLA and expanding other paid leave policies. Multiple victories have been achieved since California became the first state to pass a paid-leave bill in September 2002. Since then, San Francisco passed a paid sick days ballot measure in November 2006 and Washington, DC passed a paid sick and safe days law through its city council in March 2008. Milwaukee residents voted for a paid sick and safe days ballot initiative in November 2008, which was upheld by the Wisconsin Court of Appeals but rescinded by the Wisconsin state legislature in 2011.<sup>22</sup> Connecticut and Seattle passed provisions in 2011, and Denver is on track to as well.<sup>23</sup> Campaigns are ongoing in other locations and AAUW continues to support efforts to provide paid leave for all.

### **Resources for Advocates**

It is AAUW advocates across the country who speak their minds on issues important to them that truly advance AAUW’s mission. Stay informed with updates on work-life policies and other issues by subscribing to AAUW’s Action Network. Make your voice heard in Washington and at home by using AAUW’s Two-Minute Activist to urge your members of Congress to support policies that help employees balance the responsibilities of work and family. Write a letter to the editor of your local paper to educate and motivate other members of your community. Attend town hall meetings for your members of Congress, or set up a meeting with your elected official’s district office near you to discuss these policies. AAUW members can also subscribe to *Washington Update*, our free, weekly e-bulletin that offers an insider’s view on the latest policy news, resources for advocates, and programming ideas. For details on these and other actions you can take, visit [www.aauw.org/takeaction](http://www.aauw.org/takeaction). For more information, read AAUW’s *Paid Sick Days Toolkit* and AAUW’s research, including *Behind the Pay Gap* and *Women at Work*. You can find these and other resources on our website at [www.aauw.org](http://www.aauw.org).

## Conclusion

AAUW will continue to oppose all efforts to weaken Family and Medical Leave Act protections, which would limit women's opportunity in the workplace. AAUW will also work to advance policies that will improve workplaces for employees with family responsibilities of all kinds. Such protections and improvements are critical to breaking through educational and economic barriers for women.

For more information, call 202/785-7793 or e-mail [VoterEd@aauw.org](mailto:VoterEd@aauw.org).

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<sup>1</sup> American Association of University Women. (June 2011). *2011-13 AAUW Public Policy Program*. Retrieved August 11, 2011, from [www.aauw.org/act/issue\\_advocacy/principles\\_priorities.cfm](http://www.aauw.org/act/issue_advocacy/principles_priorities.cfm).

<sup>2</sup> Institute for Women's Policy Research. (May 2008). *Statutory Routes to Workplace Flexibility in Cross-National Perspective*. Retrieved Feb. 22, 2011, from [www.iwpr.org/publications/pubs/statutory-routes-to-workplace-flexibility-in-cross-national-perspective-b258](http://www.iwpr.org/publications/pubs/statutory-routes-to-workplace-flexibility-in-cross-national-perspective-b258).

<sup>3</sup> The Institute for Health and Social Policy. (2007). *The Work, Family, and Equity Index: How Does the United States Measure Up?* Retrieved February 15, 2011, from [www.mcgill.ca/files/ihsp/WFEIFinal2007.pdf](http://www.mcgill.ca/files/ihsp/WFEIFinal2007.pdf).

<sup>4</sup> Hegewisch, Ariane and Janet Gornick. (May 2008). *Statutory Routes to Workplace Flexibility in Cross-National Perspective*. Institute for Women's Policy Research. Retrieved February 15, 2011, from [www.iwpr.org/publications/pubs/statutory-routes-to-workplace-flexibility-in-cross-national-perspective-b258](http://www.iwpr.org/publications/pubs/statutory-routes-to-workplace-flexibility-in-cross-national-perspective-b258).

<sup>5</sup> U.S. Department of Labor, Bureau of Labor Statistics. (2009). *Women in the Labor Force: A Databook*. Retrieved February 22, 2011, from [www.bls.gov/cps/wlftable6.htm](http://www.bls.gov/cps/wlftable6.htm).

<sup>6</sup> National Alliance for Caregiving and AARP. (2009) *Executive Summary. Caregiving in the U.S.: Findings From the National Caregiver Survey*. Retrieved February 22, 2011, from [www.caregiving.org/data/CaregivingUSAllAgesExecSum.pdf](http://www.caregiving.org/data/CaregivingUSAllAgesExecSum.pdf).

<sup>7</sup> U.S. Department of Labor. (June 22, 2010). *U.S. Department of Labor Clarifies FMLA Definition of 'son and daughter.'* Retrieved Jan. 11, 2011, from [www.dol.gov/opa/media/press/whd/whd20100877.htm](http://www.dol.gov/opa/media/press/whd/whd20100877.htm).

<sup>8</sup> Cornell University Law School. (2003) *Nevada Department of Human Resources v. Hibbs (01-1368) 538 U.S. 721*. Retrieved February 15, 2011, from [www.law.cornell.edu/supct/html/01-1368.ZO.html](http://www.law.cornell.edu/supct/html/01-1368.ZO.html).

<sup>9</sup> The Institute for Health and Social Policy. (2007). *The Work, Family, and Equity Index: How Does the United States Measure Up?* Retrieved February 15, 2011, from [www.mcgill.ca/files/ihsp/WFEIFinal2007.pdf](http://www.mcgill.ca/files/ihsp/WFEIFinal2007.pdf).

<sup>10</sup> Institute for Women's Policy Research. (January 2011). *44 Million U.S. Workers Lacked Paid Sick Days in 2010: 77 Percent of Food Service Workers Lacked Access*. Retrieved February 22, 2011, from [www.iwpr.org/publications/pubs/44-million-u.s.-workers-lacked-paid-sick-days-in-2010-77-percent-of-food-service-workers-lacked-access/at\\_download/file](http://www.iwpr.org/publications/pubs/44-million-u.s.-workers-lacked-paid-sick-days-in-2010-77-percent-of-food-service-workers-lacked-access/at_download/file).

<sup>11</sup> U.S. Department of Labor, Bureau of Labor Statistics. (2010). *National Compensation Survey: Employee Benefits in the United States*. Retrieved February 15, 2011 from [www.bls.gov/news.release/archives/ecec\\_06102009.pdf](http://www.bls.gov/news.release/archives/ecec_06102009.pdf).

<sup>12</sup> Kaiser Family Foundation. (2005). *Women and Health Care: A National Profile*. Retrieved February 15, 2011, from [www.kff.org/womenshealth/upload/Women-and-Health-Care-A-National-Profile-Key-Findings-from-the-Kaiser-Women-s-Health-Survey.pdf](http://www.kff.org/womenshealth/upload/Women-and-Health-Care-A-National-Profile-Key-Findings-from-the-Kaiser-Women-s-Health-Survey.pdf).

<sup>13</sup> Institute for Women's Policy Research. (February 2007). *Women and Paid Sick Days: Crucial for Family Well-Being*. Retrieved February 15, 2011, from [www.iwpr.org/publications/pubs/women-and-paid-sick-days-crucial-for-family-well-being](http://www.iwpr.org/publications/pubs/women-and-paid-sick-days-crucial-for-family-well-being).

<sup>14</sup> Kaiser Family Foundation. (April 2003). *Women, Work and Family Health: A Balancing Act*. Retrieved February 15, 2011 from, [www.kff.org/womenshealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14293](http://www.kff.org/womenshealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14293).

<sup>15</sup> National Partnership for Women and Families. (June 2004). *Get Well Soon: Americans Can't Afford to Be Sick*. Retrieved February 15, 2011 from [www.nationalpartnership.org/site/DocServer/GetWellSoonReport.pdf?docID=342](http://www.nationalpartnership.org/site/DocServer/GetWellSoonReport.pdf?docID=342).

<sup>16</sup> Institute for Women's Policy Research. (May 2004). *No Time to be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*. Retrieved February 15, 2011, from [www.iwpr.org/publications/pubs/no-time-to-be-sick-why-everyone-suffers-when-workers-don2019t-have-paid-sick-leave](http://www.iwpr.org/publications/pubs/no-time-to-be-sick-why-everyone-suffers-when-workers-don2019t-have-paid-sick-leave).

<sup>17</sup> Ibid.

<sup>18</sup> National Alliance for Caregiving and AARP. (April 2004). *Executive Summary. Caregiving in the U.S.: Findings from the National Caregiver Survey*. Retrieved February 15, 2011, from [www.caregiving.org/data/04execsumm.pdf](http://www.caregiving.org/data/04execsumm.pdf).

<sup>19</sup> Institute for Women's Policy Research. (February 2011). *San Francisco's Paid Sick Leave Ordinance: Outcomes for Employers and Employees*. Retrieved February 22, 2011, from [www.iwpr.org/publications/pubs/San-Fran-PSD/at\\_download/file](http://www.iwpr.org/publications/pubs/San-Fran-PSD/at_download/file).

<sup>20</sup> U.S. Department of Labor, Bureau of Labor Statistics. (December 4, 2006). *Labor Force Participation Rates of Mothers*. Retrieved February 15, 2011, from [www.bls.gov/opub/ted/2006/dec/wk1/art01.htm](http://www.bls.gov/opub/ted/2006/dec/wk1/art01.htm); U.S. Department of Labor, Bureau of Labor Statistics. (May 30, 2008). *Economic News Release: Employment Characteristics of Families*. Retrieved February 15, 2011, from [www.bls.gov/news.release/famee.nr0.htm](http://www.bls.gov/news.release/famee.nr0.htm).

<sup>21</sup> Amnesty International. (March 2010). *Deadly Delivery: The Maternal Health Care Crisis in the USA*. Retrieved February 15, 2011, from [www.amnestyusa.org/dignity/pdf/DeadlyDelivery.pdf](http://www.amnestyusa.org/dignity/pdf/DeadlyDelivery.pdf).

<sup>22</sup> *Milwaukee Journal-Sentinel*. (March 24, 2011). *Court of Appeals Reinstates Milwaukee Sick Pay Law*. Retrieved March 25, 2011 from [www.jsonline.com/news/wisconsin/118572089.html](http://www.jsonline.com/news/wisconsin/118572089.html).

<sup>23</sup> National Partnership for Women and Families. *Paid Sick Days Campaigns*. Retrieved August 11, 2011, from [paysickdays.nationalpartnership.org/site/PageServer?pagename=psd\\_campaigns](http://paysickdays.nationalpartnership.org/site/PageServer?pagename=psd_campaigns).