

The Work-Family Dilemma: A Better Balance Summit Report

Recognizing the need for a forum to discuss work-family issues with a focus on class, A Better Balance: The Work and Family Legal Center and The Barnard Center for Research on Women along with the Center for WorkLife Law at the University of California at Hastings and the Barnard College Center for Toddler Development planned a summit bringing together the leaders and experts -- those who have studied these issue, those who advocate for better policies on these issues and the actual stakeholders, labor, business and elected officials in New York City. Fifty participants attended a day-long roundtable discussion with a keynote by Betsy Gotbaum, Public Advocate for New York City.

Thursday, February 1, 2007

Keynote by New York City Public Advocate Betsy Gotbaum

On Thursday night, February 1, 2007, New York City Public Advocate Betsy Gotbaum gave an inspiring keynote address to the summit participants and members of the public. She talked about her own experience of raising children as a single mother and of the difficulty she had in balancing the competing demands of work and family. More importantly, Gotbaum emphasized the needs of women “with no option to opt out” – those without the means to afford quality care for their children . She also emphasized the need to call on government to support working families. You can listen to the Public Advocate’s remarks on [\[add link to audio if we get permission to post.\]](#)

Friday, February 2, 2007

Introduction

Janet Jakobsen of the Barnard for Research on Women and Yolanda Wu of A Better Balance welcomed the summit participants. Wu challenged the participants to think creatively about how to create a broad policy agenda for New York City that would address the work/family needs of New Yorkers across the economic spectrum. A Better Balance and its co-sponsors organized this summit because we felt that the time is now to address these issues in a comprehensive way, that New York City is the place to innovate and become a model for the rest of the country, and that the summit participants were the right people to come together to tackle this challenge. Wu described how the day was organized: the two morning panels would help us understand the problem across class and put on the table various policy solutions; the afternoon panels would bring the focus to New York, with the goal of figuring out how to move public policy in a concrete way.

Panel: Work-Family Across Class Lines

Heather Boushey, *Center for Economic Policy Research* – moderator

Stephanie Bornstein, *UC Hastings College of Law/WorkLife Law*

Lisa Dodson, *Boston College*

Donna Klein, *Corporate Voices for Working Families*

Kate Kahan, *National Partnership for Women and Families*

This first panel was devoted to understanding how work/family issues affect people in different economic classes.

Stephanie Bornstein of the WorkLife Law Center at the UC Hastings College of Law started out by noting the media focus on women “opting out” of careers to take care of their children. Bornstein argued that rather than home life pulling these women home, it’s a matter of workplaces pushing them out. She then presented a snap shot view of work/family issues across class. Low-income women are more likely to be single mothers and to rely on family members or friends for child care. Low-income women are also more likely to have inflexible jobs and to work nonstandard hours. Lack of transportation and health insurance are also huge problems for this population. Professional/managerial class women come up against the “ideal worker” norm. These women are more likely to work part-time, which exacts a financial penalty and leaves them vulnerable upon divorce. Finally, the “missing middle” is comprised of dual job families who also face inflexible jobs. These families often tag team nonstandard hours so one parent can be with the kids. Bornstein discussed the growing success of litigation challenging family responsibilities discrimination. Examples of these cases include employees losing their jobs, being passed over for promotion, or being treated unfairly because of their responsibilities for caring for children or other family members. The Center for WorkLife Law has identified 17 legal theories for bringing such claims and is working on amending discrimination laws to more clearly prohibit such discrimination. The Center has documented a 40% increase in such cases in the last ten year over the previous decade. The win rate for these cases is higher than the average for most employment discrimination cases.

Lisa Dodson of Boston College presented on low-income women. When asked what is most on their minds as they go through their days, most low-income women say they are trying to keep their kids safe. Dodson told the story of Nicole, a nurses’ aide in Boston with two children, ages 15 and 5. Nicole works two full-time shifts at a nursing home, doubling up every day with only a brief coffee break in between, so that she spends only 5 hours a week in her apartment. She often has her 15 year old bring her 5 year old to the nursing home during her evening shift. It requires the children to stay up late, but it’s the only time she has to help with homework and to spend time with her children. Nicole is clearly breaking the rules of her employer, but she is forced to make a choice between being a good employee or a good mother. Dodson talked about how wage erosion is forcing low-income parents like Nicole to take risks like this. When you cannot be both a good worker and caregiver, you begin to break the rules. Dodson’s work with low-income families reveals that the need for sustainable incomes is a work-family issue. Unionization is key. Health care workers in Massachusetts like Nicole are not unionized, whereas similar workers in New York are unionized and can get by on a single full time shift. Dodson pointed out that the care workforce is broad and huge. The irony is that these workers pour their hard work into caring for other families, yet sacrifice the same care for their own families. Dodson cautioned against relying solely on market solutions

for work/family problems, as the market often leads to solutions that rest on the “hearts and hands” of other women.

Donna Klein of Corporate Voices for Working Families discussed how large employers are addressing work/family issues for low-wage workers. Corporate policies are less utilized by low-wage workers than by professional workers. Her work has taught her the complexities of improving work/life balance for low-income workers. Such workers are more diverse than professional workers. The population of low-wage workers is far from monolithic with regard to language, culture and family priorities. Corporate Voices is aggressively working with its corporate partners to help low-wage workers access public benefits, education and training, and with asset-building. Its report, “Workplace Flexibility for Lower Wage Workers,” shows that low-wage workers’ productivity and engagement in work increases when they have greater work/life flexibility options. Corporate Voices has helped its members start low-wage child care centers, and has developed a tool kit for employers to understand and communicate with low-income employees.

Kate Kahan of the National Partnership for Women and Families told her personal story of being a single mother on welfare in Montana, and of organizing other welfare recipients to have a voice in the welfare reform debate in the mid-to-late 1990’s. The women identified work/family issues as a priority and came up with creative solutions. Montana created an At-Home Infant Care (AHIC) program that allowed women on welfare to receive caregiver wages for caring for their own children, and for such carework to count as work for purposes of the welfare work requirement. The welfare mothers’ activism put AHIC into the national conversation. Senator Clinton and Representative DeLauro have introduced an AHIC bill. Kahan also talked about efforts to enact paid sick leave. Senator Kennedy and Representative DeLauro have introduced The Healthy Families Act which requires employers to provide 7 days, and sets it out as a floor, not a ceiling. Kahan also highlighted how leave issues cut across class. The Healthy Families Act does not cover part-time workers and excludes employers of fewer than 15 employees, thus leaving out many low-income workers. In addition to the Federal bill, San Francisco, by ballot initiative has passed a mandatory paid sick leave bill for employees in San Francisco. There are also initiatives around the country to introduce paid sick leave bills at the state and local levels. Finally, Kahan urged us to diversify who is in the room in terms of class and race. Only by engaging the people we are trying to help can we truly create a workable solution to these complex and enduring problems.

Discussion following Panel: Work-Family Across Class Lines

Moderator Heather Boushey of the Center for Economic Policy Research started the discussion by asking which are the top issues to work on. There was consensus that there is no silver bullet, but people identified the following priorities: paid leave, access to child care and other benefits, the right to organize, engaging employers, changing the norm of what is an ideal worker, sustainable incomes so people can earn a living, not just a wage, valuing carework as work, and education as an on-ramp for low-wage workers.

Kathy Christensen noted that employment is a major portal to public policy yet many low-wage workers are in the contingent or temporary workforce, and thus are not covered by existing laws. Sandra Pinnavaia responded that, at the same time, many professional women are going around employers; they can solve the work/life dilemma through self-employment and entrepreneurship. We might be able to help such workers escape bad jobs through creative reform of health care or credit card debt. Chai Feldblum noted that the concerns of upper- and low-income women are unique and overlapping. One difference between professional women and low-income women is that the former can trade money for time, while the right to organize is key for low-income workers. Ariane Hegewisch raised the fact that 8 weeks paid leave, which currently is under discussion in Washington as a potential expansion of the Family and Medical Leave Act (which currently provides 12 weeks *unpaid* leave), would not be seen as generous by Europeans. Finally, Tricia Dwyer-Morgan cautioned that it would be a huge mistake not to engage the private sector; we must engage employers in addressing these issues. Kathy Christensen noted that there is a strong business case to be made for workplace flexibility.

Panel: Policies Make a Difference

Ann Crittenden, *author*—moderator
Janet Gornick, *Baruch College*
Ellen Bravo, *Multi-States Working Families Consortium*
Jody Heymann, *McGill University*

Moderator **Ann Crittenden** began by emphasizing the need to think about work/family issues as bread and butter economic issues. It's not simply a matter of doing good. The "caring tax" is higher in the U.S. than in any other developed country. A white, educated woman can lose \$1 million in her lifetime income for having a child. For a low-income woman, having a child can push her and her family into poverty. It should not be that way.

Janet Gornick of the Luxembourg Income Study at the Graduate Center of the City University of New York presented data on how the U.S. compares to Europe on work/family policies. Workers in the U.S. (including parents) work longer hours and more weeks per year than the rest of the rich-world countries, but it ranks 8th in productivity per worker hour. Gornick argued that American workers can work fewer hours without sacrificing productivity; we are now in the range of diminishing returns. Gornick presented six policy levers:

- regulation of "standard work week"
- entitlements to paid days off (EU mandated)
- family leave rights & benefits (EU mandated)
- part-time parity measures (EU mandated)
- rights to part-time and flexible schedules
- early childhood education and care

She emphasized the need to end discrimination against part-time workers. The EU Directive requires that part-time work be fair and feasible. Gornick also urged us to think

about “soft touch” laws like the UK right to request flexibility law. Under that law, workers have the right to request a flexible work schedule and must receive an answer with reasons. They can appeal a denial. Gornick noted that economic class permeates everything. High-wage workers can access work/family benefits; low-wage workers typically get nothing. She ended with the caution that it simply is not true that Europe is different because so many countries are welfare states. The fact is that many European countries recovered from their economic troubles of the 1990’s without changing work/family policies. Not only are such policies untouchable, they are being expanded.

Jody Heymann of McGill University presented next on the global picture. She posed the overarching questions: can we compete globally, and what should be an agenda for New York City? The answer to the globalization question is clear – we can still compete globally while doing a better job of addressing work/family balance issues. We should involve fathers; 66 countries have paid paternity leave or parental leave. The U.S. would be more competitive with paid parental leave. Breastfeeding should be a key policy issue for us because of its proven impact on child health. Access to breastfeeding breaks would have a huge impact on low-wage workers. City and state initiatives are very exciting in the U.S. right now. Heymann proposed a “Living Families Campaign” for New York City that would help men and women across age and income lines. Her proposal includes: paid sick days, 8-24 hours leave to use for school obligations (e.g., parent-teacher conferences) and care for sick or elderly family members; paid annual leave; paid parental leave; support for breastfeeding; and part-time parity (wages and benefits). More challenging would be the following: adequate family wage; universal access to early child care and education, and out-of-school care, elder care, and solutions to evening/night work. In summary, Heymann argued that we can’t afford to do nothing. There is no correlation between unemployment and good work/family policies. The U.S. would be more competitive if we had paid parental leave.

According to **Ellen Bravo** of the Multi-States Working Families Consortium, devaluing women at the bottom of the income scale devalues us all. We need to work for a guarantee because asking all employers to volunteer to create more family-friendly policies is like asking 2-year-olds to tell us they need a time out. Family leave has to be affordable. Raising the floor would help professionals take leave. The “big boy” employers trivialize the needs of working families and mothers, and they try to compartmentalize and pit us against each other. “Unskilled” workers are not lacking in skills, but rather, their skills are not valued. Flexibility and part-time parity are very important, as is the right to organize and to revalue women’s work. Bravo also urged us to involve low-income women in the effort to develop a work/family agenda.

Discussion following Panel: Policies Make a Difference

In answer to the question, why can’t the U.S. catch up to the rest of the world on work/family policies, Janet Gornick and Jody Heymann talked about the need to debunk myths. The first myth is that everyone has the necessary benefits under our voluntary system. We need to have the numbers showing who doesn’t have them across gender, class, region, etc. Myth number two is that we can’t compete if we change our

work/family policies. Looking at the Davos World Economic Forum, the top 10 competitive economies have done it, except the U.S. Myth number three is that we don't need coalitions. We need to develop the continuum from child care to elder care, bridge the gap between men and women (25% of men report work disruptions in any given week due to family conflicts; while 35% of women do), and bring in employers (good employers benefit by leveling the playing field). The participants talked about the challenges of working with employers. Even the ones with good policies do not want mandates; many employers are willing to help behind the scenes; work needs to be done to get corporate government relations people talking to human resources people. Martha Davis raised the idea of looking to international conventions as a way to change our legal framework (e.g. New York City could adopt the Convention to End Discrimination Against Women (CEDAW)). Interestingly, the European Union got part-time parity based, in part, on U.S. sex discrimination law. Chai Feldblum argued that we need two tracks: coalition work and advocacy to fight for things like paid leave, which employers will fight; and also a track to engage employers in conversation about government policy. The first track creates the possibility for the second.

Summary of policy initiatives raised in the morning

Going into the afternoon panels, Dina Bakst of A Better Balance summarized the key policy initiatives that were raised in the morning as:

- Minimum paid sick leave
- Reduced hours/flexible scheduling
- Business involvement – “soft-touch” laws, ability to request flexible schedules
- Minimum time off for school activities and elder care
- Overtime pay
- Legal protections for part-time workers
- Prohibit discrimination based on family responsibilities
- Workplace breastfeeding protections
- At-home infant care
- Quality early child care and education
- Adoption of international conventions at the local level
- Domestic workers' rights/valuing care work

Panel: Moving Forward

Sherry Leiwant, *A Better Balance*—moderator

Nancy Rankin, *Community Service Society of New York*

Ed Ott, *Central Labor Council*

Deborah King, *1199 SEIU*

Ai Jen Poo, *Domestic Workers United*

Carolyn Sevos, *National Association of Women Business Owners, NYC and Intracommunities*

Sherry Leiwant of A Better Balance presented on existing legal protections in New York, which are scanty. Unlike most states, New York provides some disability insurance for pregnancy leave. New York state and local laws, as well as the federal employment discrimination law, prohibit pregnancy discrimination. These existing sex discrimination laws can also be used to address some forms of family responsibility discrimination. New York state law requires employers to post their sick leave policies, but there is no requirement for employers to provide any sick leave. New York state law also guarantees the right to breastfeed in public places.

Nancy Rankin of the Community Service Society of New York presented data on sick leave from the CSS Report, the Unheard Third. Most of New York City's working poor have no sick leave – 45% of the near poor, and 32% moderate and high-income workers. Part of this is due to part-time work, but not all. Less than half of working mothers get paid sick leave, and even fewer single moms get the benefit. There is a public health argument to be made -- 84% of restaurant workers have NO paid sick days. We need to debunk the abuse myth -- people with 7 days of paid sick leave use an average of 1.8 days annually. The vast majority of New Yorkers support a law requiring employers to provide paid sick days – 72% of low income New Yorkers and 69% of moderate to high income New Yorkers. In addition, a majority (76%) of New Yorkers support extending TDI (state disability insurance) to provide paid family and medical leave.

Ed Ott of the Central Labor Council emphasized the importance of the right to organize. This right is under attack, with the National Labor Relations Board trying to narrow the categories of workers covered. The U.S. Supreme Court will decide this term whether home health care workers are covered by the National Labor Relations Act. In New York City, workers' access to rights varies greatly by sector. Unionized workers have paid sick days and time off; most workers in the profit sector have no time off. Time is money for employers, and workers are, and always have been, secondary to production. Ott cautioned that the fight for sick leave would knock women off the ladder in the building trades. Workers in the trades do not expect to have paid sick time. But he exhorted the summit participants to think big and to draw lessons from the living wage fight. New York City got a limited living wage requirement and the advocates got that by starting big and winnowing down. We need a new social movement. There are no bad jobs, only terrible pay and bad benefits.

Deborah King of 1199 SEIU noted that we used to work to be able to care for our families; now, work is interfering with our ability to care for our families. She talked about the concerns of the 200,000 health care workers in her union. They have 3 days of paid sick leave and paid family leave. Child care is a huge concern. \$40 million allocated to a New York State pilot program that allowed for higher income eligibility and easier access to child care is sunsetting. King argued that we need universal pre-K starting at age 4 with no income eligibility requirements. The City could provide incentives for landlords to put child care centers into new office and housing developments. King also challenged New York City to become a model employer with respect to leave, helping city workers access child care, accommodating breastfeeding,

and other measures we've talked about. King mentioned that we hope to win paid family leave in New York state this year.

Carolyn Sevos of the National Association of Women Business Owners, NYC and Intracommunities talked about her work with women business owners and her experience of running a 3 person technology company. Work and family conflicts create a lot of stress for workers. Providing paid family leave, sick leave, and flexibility increases productivity. Although there are different employer incentives with regard to skilled and unskilled workers, Sevos believes that we can still build a team and a coalition that includes everyone. From Sevos' perspective, paid family leave is critical and it does not affect monthly costs. We should be using technology in creative ways to restructure work hours. Best Buy is using a new matrix to measure productivity. We need to seize the opportunity to work with business. Addressing work/family conflicts is the shared responsibility of the employee, employer and government.

Ai-Jen Poo of Domestic Workers United (DWU) worked to pass a city law providing a living wage to domestic workers placed by employment agencies. She helps domestic workers fight for back wages and is now advocating for a New York state domestic worker bill of rights that would provide a living wage, health benefits and paid leave. As a global command center, New York City has a two-tiered service economy with high-level professionals in media, law and finance relying on a low-wage workforce of taxi drivers, dry cleaners, restaurant workers, and household workers. To illustrate the interdependence of these tiers, Poo told the story of one worker who commutes from the Bronx to Westchester. She rises at dawn to get her children to care, and typically returns home at 9 p.m. only after her employers can take her to the train after their own commute to and from jobs in the City. As the hours for professionals get longer, the hours of domestic workers get even longer. The New York City metropolitan area has over 200,000 domestic workers, with approximately 1,300 involved with DWU. Poo pointed out that many laws, including New York state labor law, the National Labor Relations Act, the Occupational Safety and Health Act, and many state and local civil rights laws, exclude domestic workers from coverage. Poo is working with employer groups like Jews United for Racial and Economic Justice to improve working conditions of domestic workers and to educate employers to think about themselves as employers.

Moderator **Sherry Leiwant** of A Better Balance asked the speakers to react to Jody Heymann's proposal that we launch a living families campaign for New York City. They all thought it was a great idea, and had the following comments: Deborah King suggested that someone, perhaps Barnard, would study what would improve productivity. Carolyn Sevos reiterated that business wants to be a part of the solution. We need to emphasize that this is an investment, not a cost. Nancy Rankin said it is mostly a political strategic question of whether we start big, or whether we want to take easier, incremental steps first. Ed Ott liked the idea of thinking big, developing a broad, actionable agenda like the living wage fight. Many other participants agreed that we should be thinking big, and then we discussed what terminology we should be using. Is "living families" too narrow? Various progressive groups are doing polling around these terms and we will have a

better sense after the focus groups are done. Judith Stadtman-Tucker described NOW's 23 point agenda as an example of a broad, big picture campaign.

Panel: Bringing the Focus to New York

Ester Fuchs, *Columbia University* –moderator
Scott Stringer, *Manhattan Borough President*
Deborah Glick, *New York State Assemblywoman*
Gale Brewer, *City Councilmember*
Minna Elias, *Chief of Staff to Congresswoman Carolyn Maloney*

Moderator **Ester Fuchs** began the last panel of the day by recognizing that we all agree that we need to develop a broad agenda. We need to refine our language, think about how we talk about the issue. Fuchs noted that we have a broad base. Over 70% of women with children are in the paid workforce. This is not even considering the elder care side of it. The big gorilla in the room is: how do we move policy? We need leadership at every level of government and are fortunate to have just that on this panel. Fuchs asked each speaker to talk briefly about a specific aspect of the work/family dilemma, and then each speaker would be able to react to the remarks.

Childcare

City Councilwoman **Gale Brewer** talked about access to childcare. The City has to set reasonable pay rates for childcare providers. CUNY has been creative in creating childcare on campuses but they also have a waiting list over 1,200. Shift daycare and emergency daycare are important. The City is providing information to parents about the fines and penalties issued against childcare providers to help parents make informed decisions. The income eligibility for subsidized childcare excludes many families.

The other speakers spoke to childcare as follows: State Assemblywoman **Deborah Glick** discussed the county-by-county disparities in using the welfare block grant for back-up childcare. Manhattan Borough President **Scott Stringer** talked about looking at childcare from a land use angle. The city should negotiate with developers to ensure that space be affordable and available to childcare providers. **Minna Elias** of Congresswoman Maloney's office discussed the federal framework for childcare – the block grants do not provide enough money. Headstart is on the chopping block. Kiddie Mac would provide capital loans for daycare centers.

Paid leave

State Assemblywoman **Deborah Glick** discussed the need to expand paid leave laws to cover domestic partners, and to cover time spent caring for family members. Albany is less cohesive than the City Council, so it is especially important to take into consideration business and labor interests, and the needs of small businesses. The weak economy upstate makes it harder to bring businesses on board. We need to have more women in office.

The other speakers spoke to paid leave as follows: According to Manhattan Borough President **Scott Stringer**, we need to educate employers and political participants about these issues. The people he interviews, including employers, don't know or ask about flextime. We can't let politicians off the hook. Time off for parent-teacher conferences would make a huge difference for low-income families. After deciding on the policy lever, whether it's legislation or an executive order, we need to get buy-in from employers and businesses. As chair of the Technology Committee, City Councilwoman **Gale Brewer** sees opportunities to improve flexibility by making broadband more widely available, thus enabling more people to work at home. We could model a law that prohibits discrimination for attending parent-teacher conferences just like the law that protects jury duty. Another angle is to think about how flextime would help reduce traffic in the city. **Minna Elias** of Congresswoman Maloney's office mentioned that family medical leave is hot in Washington right now. Maloney's proposal to expand FMLA coverage is to reduce the employee threshold from 50 to 25, to cover domestic partners, to cover doctors' visits and parent-teacher conferences, and to cover grandparent care. Senators Christopher Dodd (D-CT) and Ted Stevens (R-AK) are also talking about working together on FMLA expansion. Breastfeeding is also a huge priority for Maloney. Congress passed a law providing the right to breastfeed on federal property, and to clarify that WIC covers lactation support. Maloney is re-introducing legislation to expand the Pregnancy Discrimination Act to cover breastfeeding, to ensure that breast pumps are regulated by the FDA, and to create incentives to employers to provide lactation rooms.

Fuchs then opened it up to discussion. Ariane Hegewisch commented that flextime appeals to men because it does not require a trade of money or wages for the benefit. Employers can use this benefit to attract smart and talented people and thus institutionalize progressive politics. Chai Feldblum stated that it was exciting to see the synergy of federal, state and city politics. The City can set the standard for workers who cannot negotiate for themselves because they lack bargaining power. Businesses who are already providing this floor should want government to require it of others as well. There are complaints from business that are often legitimate about the fuzziness of what is required under the FMLA. We need clear rules. Finally, she noted that we already tie so many benefits to employment, which can trap people in their jobs. We should use the tax base more broadly instead of simply tying extra requirements and benefits to work. This would ensure coverage for people taking extended time off work as well.

Concluding strategy ideas

Fuchs ended the panel by asking each speaker to comment on overall strategy. State Assemblywoman **Deborah Glick** recommended that we idiot-proof our lobbying. We need to develop one-pagers with the top three things we want, used consistently by all of us, backed up by statistics. We need to develop a coherent overall message even as we focus on the incremental pieces that can move initially. According to Manhattan Borough President **Scott Stringer**, we need to be less polite and to make politicians squirm. We should not negotiate for them. We need to go in with a tough stance and a sense of urgency. City Councilwoman **Gale Brewer** said we need a catchy phrase to

communicate the overall problem. Rather than approaching these issues in piecemeal fashion, we need to get on everyone's agenda – the unions, business, women's groups, transportation, etc. The City Council is a budget place. We need to think big and the time is now. Congresswoman Maloney's Chief of Staff Minna Elias said we need to bring out our constituencies. Individuals personally affected by the lack of work/family policies need to speak out and tell their stories to members of Congress who do not get these issues.

Next Steps

Yolanda Wu of A Better Balance thanked everyone for coming. A Better Balance and the Barnard Center for Research on Women will set up a website to share all of the wonderful information that the summit participants have to offer. Wu was pleased that the group was energized to work together on a comprehensive work/family agenda for New Yorkers across economic class. A Better Balance looks forward to working with everyone on this complex and pressing agenda.