

THE WORK- FAMILY DILEMMA

A BETTER BALANCE

Policy Solutions
for All New Yorkers



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new feminist solutions

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THE WORK-FAMILY DILEMMA: A BETTER BALANCE

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In recent years, the Barnard Center for Research on Women has undertaken a concerted effort to link feminist struggles to those for racial, economic, social and global justice. BCRW has built invaluable cooperative relationships with a far-reaching network of scholars, activists and artists who contribute to the long struggle of making our world more just.

A Better Balance: The Work and Family Legal Center is a New York-based legal advocacy organization dedicated to helping families balance the conflicting demands of work and family. A Better Balance works on many fronts, and is committed to advancing the policy recommendations that emerged from the summit and that are set forth in this 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 leaders and experts (those who have studied these issues and those who advocate for better policies) 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**. (For more details about the summit and the keynote, visit www.barnard.edu/bcrw.) From this summit emerged a consensus around the need for a comprehensive work-family policy advocacy agenda for New York City. This report is based on discussions from the summit.

The Work-Family Dilemma February 2007 Summit Participants:

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INTRODUCTION

THE WELL-KNOWN “TIME CRUNCH”

experienced by American workers is critically affecting their ability to care for their families. Indeed, America exceeds all other industrialized countries in average hours at work. At the same time, the United States lags far behind other industrialized countries – and even behind many developing countries – in public policies that support working families.

One of the major problems facing all individuals in U.S. society is that the labor of caregiving is undervalued. We treat the work of caring for children, older persons, and those who are sick or disabled as secondary to other forms of labor. As a result, the work of caregiving is most often poorly compensated or completely unpaid; we expect caregiving to take place in the gaps of our “leisure” time, rather than making it central to our working lives. Because caregiving is treated as a private concern, the labor it involves becomes invisible, and caregivers form part of an invisible labor force. The labor of stay-at-home parents disappears. Domestic workers who provide paid care usually perform their labor without adequate legal protections and without the right to organize for better conditions. Moreover, these workers face an intense double-bind, providing crucial care for their employers while facing a range of challenges in providing similar care for their own families. All of these issues, running across the economic spectrum, arise from the same source: a fundamental refusal by our society to value caregiving despite its critical importance to each individual and to society as a whole.

Despite these overarching connections, much of the current debate over work-family issues centers on the concerns of professional workers. This report seeks to broaden the debate to include workers across economic classes. Many professionals, for example, take it for granted that they can take time off to care for a sick family member. Most low-income families lack such basic flexibility despite the fact that they need it most. Although low-income families face the starkest conditions, middle-income families suffer too. Most middle-income parents cannot rely on paid leave during an emergency, and many have lost jobs when they put their children's essential needs or their own

health needs above workplace demands. Work-family policy that is informed by the needs of all workers would avoid the pitfalls of exacerbating existing inequalities and would promote equal opportunities.

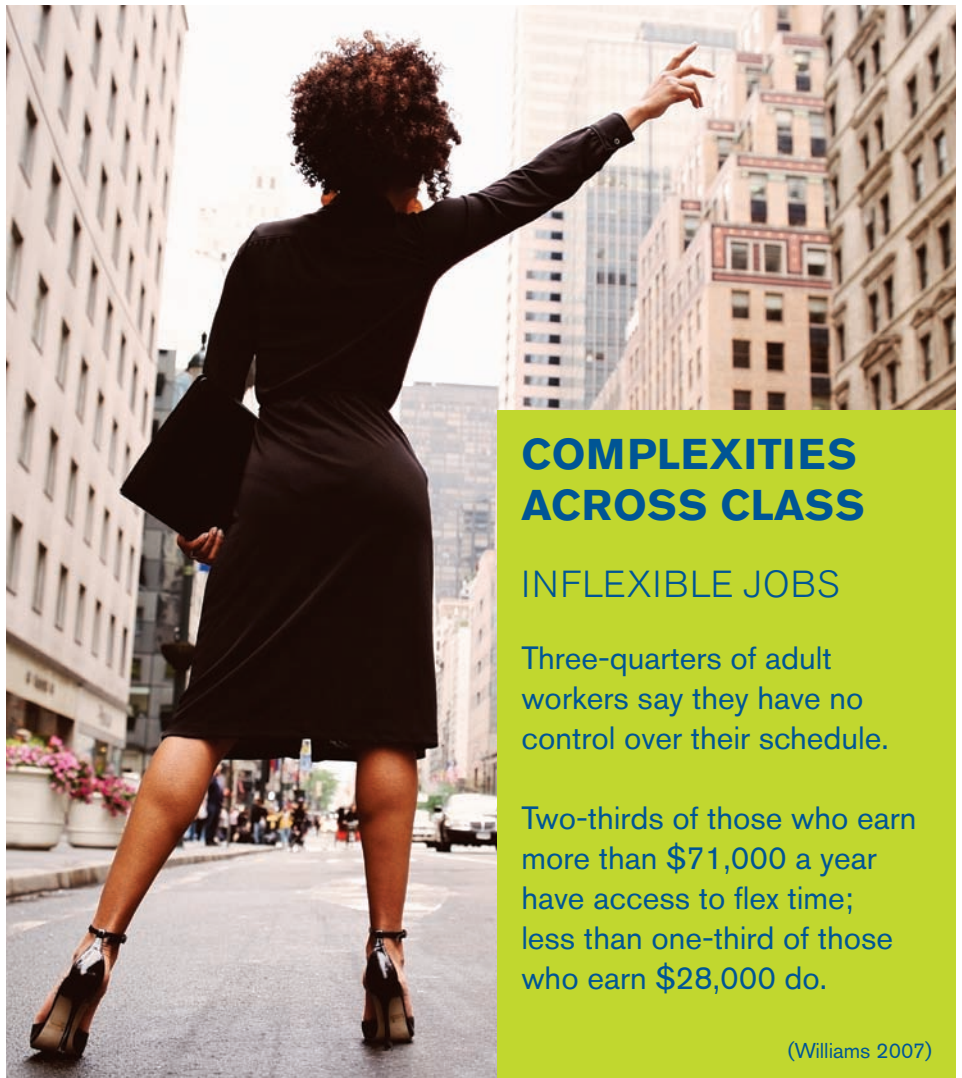
Better balance policies are good for all Americans. Clearly this is true for all parents, but any worker who becomes ill or cares for a sick, disabled or aging family member has a vested interest in better policies. Public health concerns about sick workers in the workplace and sick children at child care centers and at schools make leave and flexibility issues vital to everyone. At the same time, research demonstrates that better work-family balance policies do not decrease worker productivity and may increase it. The fact that the United States is alone in the industrialized world in its failure to address work-family issues is an indication that better policies will not harm our nation's competitive edge. In addition, many improvements can be made without tax increases or large costs to business. This report focuses on the key issues that need to be addressed by our society in finding a better balance that makes sense for all of us.



The needs of low-, middle- and upper-income families are both unique and also overlapping. Policy solutions must be effective for all workers. For low-income workers, a living wage and health insurance are key, as is the right to organize. Middle-income families tend to have less job flexibility than high-income families, and, as a result, end up tag-teaming family responsibilities by working nights or overtime. Professional families can trade money for time and thus have more interest in part-time work and in unpaid parental leave, such as that provided in the Family and Medical Leave Act.

WE NEED TO RECOGNIZE THE COMPLEXITIES OF ADDRESSING WORK-FAMILY ACROSS CLASS

Yet all families face the reality that care work is undervalued, that there are real economic costs to providing care for family, and that greater workplace flexibility is needed. This reality affects the low-income single mother who has to choose between being a good mother or a good employee. It affects the unionized father who works the late shift so that one parent can always be home with the kids. It affects the professional woman who is seen as less committed to her career after she has a child or once she has an elderly family member to care for. These are not private problems to be solved individually, but rather matters of public concern requiring systemic solutions.



COMPLEXITIES ACROSS CLASS

INFLEXIBLE JOBS

Three-quarters of adult workers say they have no control over their schedule.

Two-thirds of those who earn more than \$71,000 a year have access to flex time; less than one-third of those who earn \$28,000 do.

(Williams 2007)

SUMMARY

THE WORK-FAMILY POLICY AGENDA FOR NYC

- 1 IMPROVE LEAVE POLICIES FOR WORKING NEW YORKERS
 - A. Require employers to provide paid sick leave for workers to care for themselves and their families
 - B. Provide paid family and medical leave, and expand existing family and medical leave protections
 - C. Provide paid time off to support children's educational needs

- 2 IMPROVE ACCESS TO FLEXIBLE WORK ARRANGEMENTS FOR ALL NEW YORKERS
 - A. Provide higher-quality flexible work options, including part-time parity and "right to request" measures
 - B. Develop incentives for employers to adopt flexible policies

- 3 END DISCRIMINATION AGAINST THOSE WITH FAMILY RESPONSIBILITIES
 - A. Add those with family responsibilities to the list of those protected against discrimination in employment under federal, state and local civil rights laws
 - B. Provide specific protections for breastfeeding mothers
 - C. Protect domestic workers from discrimination and labor abuses

- 4 PROVIDE ADEQUATE CHILDCARE FOR ALL WORKING FAMILIES
 - A. Increase access to quality, affordable early care and education services and after-school care
 - B. Promote the recruitment and retention of a high-quality childcare workforce
 - C. Support universal pre-kindergarten (UPK)

- 5 OTHER CRITICAL ISSUES FOR WORKING NEW YORKERS
 - A. Provide health insurance and sustainable incomes (raise the minimum wage) for all workers
 - B. Provide income support for those caring for family members with no other source of income
 - C. Allow for education to count as work for individuals on welfare-work programs



AGENDA

FOR A WORK-FAMILY BALANCE IN NEW YORK CITY

The stakeholders of New York City (labor leaders, business owners, advocates, policy makers and elected officials) all agree that a unified policy agenda would foster real improvement in the lives of New Yorkers. The key components of that agenda are discussed here.



1 IMPROVE LEAVE POLICIES FOR WORKING NEW YORKERS

The United States is alone among industrialized countries in failing to mandate paid leave for its workers to tend to their own and their families' critical needs. Many workers are left out when the private sector alone decides leave policies. In particular, there is a fundamental need to guarantee minimal leave, to provide paid leave so that lower-income employees can take advantage of policies that exist, and to guarantee that leave can be used to care for family members. Specifically, we must:

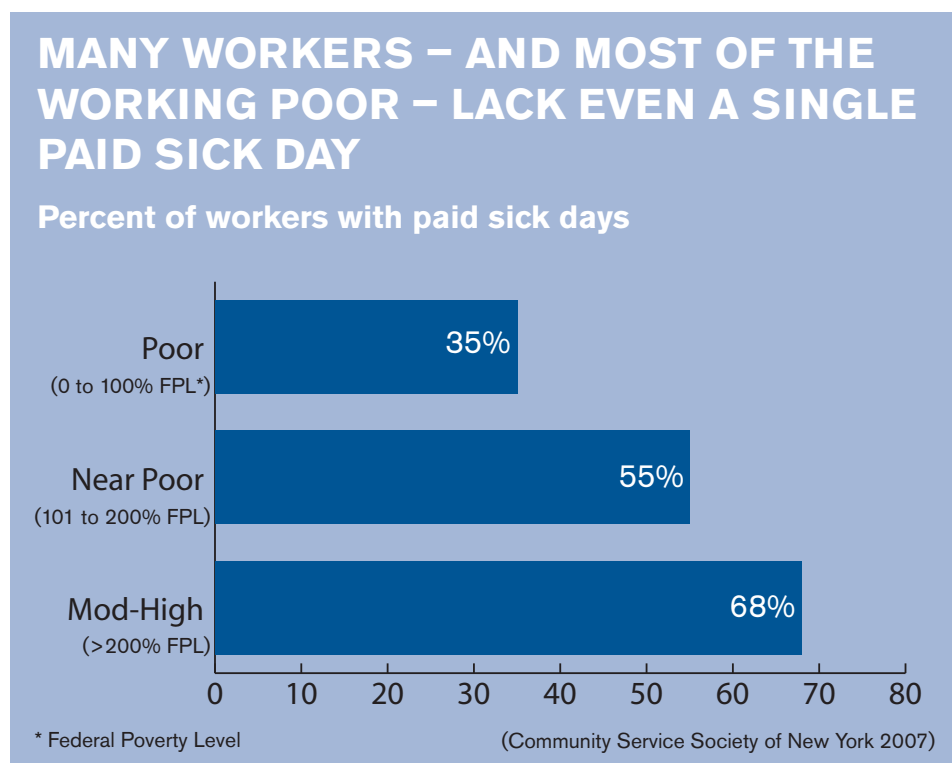
1A Require employers to provide paid sick leave for workers to care for themselves and their families

Shocking numbers of New Yorkers, especially low-income New Yorkers, lack even a single day of paid sick leave. Many New Yorkers at all income levels are not permitted to take sick leave to care for sick family members.

Nationwide, nearly half (47 percent) of full-time private-sector workers – 59 million working Americans – have no paid sick days (Lovell 2004). Low-wage workers are even harder hit since 76 percent of such workers nationwide have no paid sick time (Heymann 2000). In terms of family care, 86 million working Americans have no paid sick days to care for sick children or other sick family members (Lovell 2004).

Many New York City workers and a majority of the working poor do not have even a single day of sick leave – 65 percent of poor New Yorkers and 45 percent of the near poor have no paid sick days, and nearly a third (32 percent) of higher-income New Yorkers lack sick leave as well. Less than half of all low-income working mothers get paid sick leave and even fewer single low-income working mothers, by definition the sole caregivers for their families, have paid sick leave. A majority of New Yorkers support a law that would require employers to provide paid sick days – 72 percent of low-income New Yorkers and 69 percent of high- and moderate-income New Yorkers support such a law – even when presented with the counter argument that some people say it would be too costly for some businesses (Rankin 2007).

In addition to the strong policy arguments for allowing workers paid time off to care for themselves and family members when they are sick, there are also strong public health arguments. More than half of human resources executives say that “presenteeism” (employees coming to work sick) poses potential problems for their companies because of contagion and lower productivity (CCH 2006). Indeed, “presenteeism” costs our economy an estimated



\$180 billion annually (Goetzal 2004). Service-sector workers without sick leave can be a threat to public health. In New York, the vast majority of restaurant workers (84 percent) have no paid sick days (Restaurant Opportunities Center of New York 2005). The lack of paid sick time for parents, especially mothers, guarantees that children will attend school and childcare centers sick, infecting other children. There is a strong business case to be made for paid sick leave as healthy workers are clearly better workers. The myth that there is abuse of sick leave has been debunked – people with seven days of paid sick leave use an average of 1.8 days annually (Lovell 2007).

The proposed federal sick leave bill, the Healthy Families Act, requires employers to provide at least seven days of leave. However, the Healthy Families Act does not cover workers who work less than 20 hours a week and excludes employers of fewer than 15 employees, thus leaving out many low-income work-

GETTING SICK OUTSIDE THE U.S.

CROSS-CULTURAL COMPARISON

At least 145 countries provide paid sick days for short- or long-term illnesses, with 127 providing a week or more annually. More than 79 countries provide sickness benefits for at least 26 weeks or until recovery. In contrast, the U.S. provides only unpaid leave for serious illnesses through the Family and Medical Leave Act (FMLA), which does not cover all workers. The U.S. does not require employers to provide any paid sick leave.

ers. We support recent local efforts to obtain minimum paid sick leave that recognize the importance of covering all workers. San Francisco, which enacted the first local minimum paid sick leave law in the

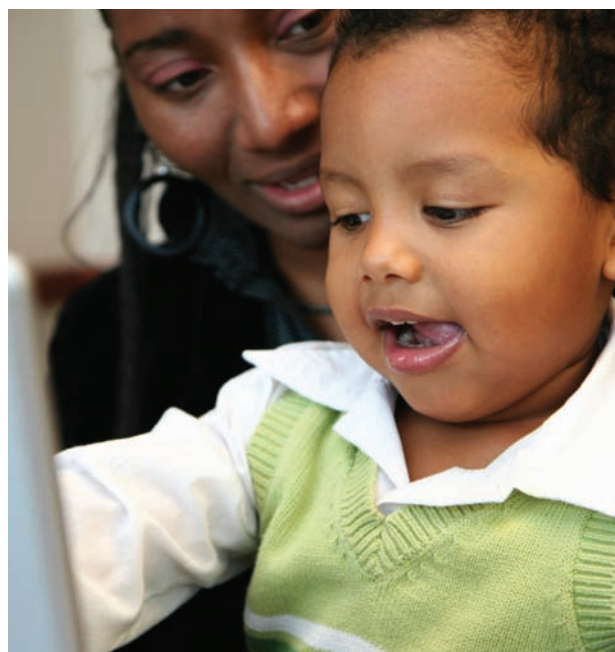
HAVING CHILDREN

MATERNITY AND PATERNITY LEAVE AROUND THE WORLD

Out of 173 countries studied, 168 countries offer guaranteed leave with income to women in connection with childbirth; 98 of these countries offer 14 or more weeks paid leave. The U.S. provides no paid leave for mothers. The only other countries studied that provide no leave with income to mothers are: Lesotho, Liberia, Papua New Guinea, and Swaziland.

Sixty-six countries ensure that fathers either receive paid paternity leave or have a right to paid parental leave; 31 of these countries offer 14 or more weeks of paid leave. The U.S. guarantees fathers neither paid paternity nor paid parental leave.

(Heymann 2007)



country through a ballot initiative, covers all employees (including part-time employees), requiring employers to provide for accrual of sick leave by hours worked, up to a maximum of nine days for larger employers and five days for smaller employers (Chapter 12W of the Administrative Code of San Francisco). Similar initiatives are currently being pursued in cities and states around the country. Supporting federal and state initiatives, and working for a New York City minimum paid sick leave standard, are key components of a comprehensive work-family policy agenda.

1B Provide paid family and medical leave and expand existing family and medical leave protections

The federal Family and Medical Leave Act (FMLA), which provides *unpaid* leave for up to 12 weeks, applies only to employers with 50 or more employees and does not cover workers who work less than 24 hours a week or who care for domestic partners (29 U.S.C. §§ 2601). These restrictions leave out too many workers. Lower-income families cannot afford to take unpaid leave.

We support proposals in the U.S. Congress to expand FMLA coverage. At the same time it is important to recognize that individual states may be moving faster on the paid leave issue than the federal government. In 2004, California enacted paid family and medical leave requirements funded by employee contributions. In 2007, Washington state enacted paid parental leave. Other states have proposals to follow suit, including New Jersey, where the bill has a good chance of passage. Many state proposals link family and medical leave to the state disability and unemployment system and result in little or no direct cost to the employer. In New York State, adding 12 weeks of paid family leave to the temporary disability insurance program has been proposed for several years, has passed one house of the legislature and may have a chance for passage in the near future. Support for this initiative in New York would move the work-family agenda forward.



1C Provide paid time off to support children's educational needs

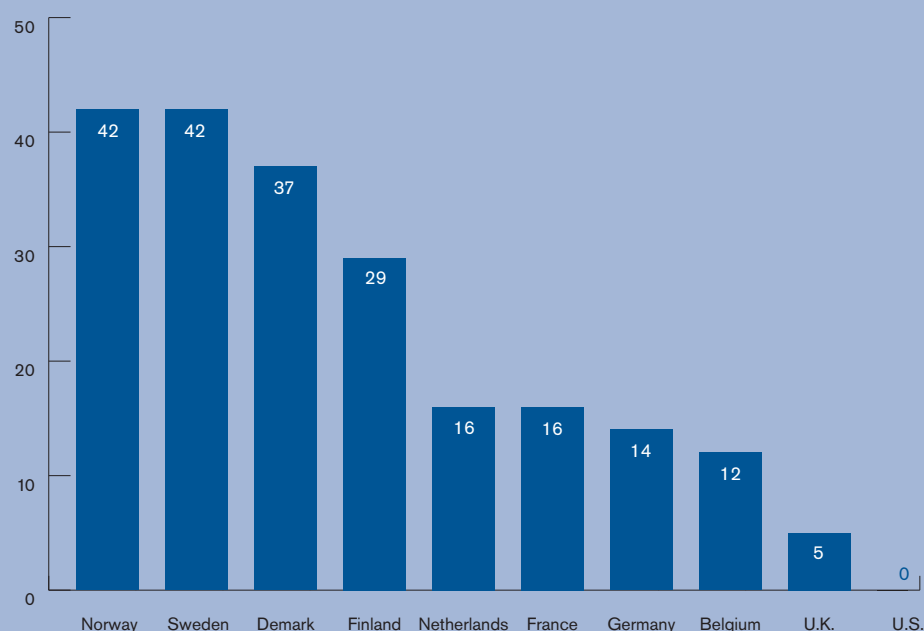
Parental involvement is critical to children's educational, developmental and health outcomes. When parents are involved in their children's education, children achieve more in elementary school, junior high school and high school. Several states require employers to provide leave so that workers may deal with their children's educational needs, such as attending parent-teacher conferences or disability hearings. Such leave should be mandated at the federal, state or local level. Eight states and the District of Columbia set a standard that employers must provide job-protected leave for eligible employees to participate in a child's educational activities. Most of these laws also include provisions that allow an employee to use accrued paid leave for this purpose.

While professional employees might take it for granted that they can come in late or leave early for a parent-teacher conference, low- and middle-income workers often lack the job flexibility to do so. The parents of children with disabilities face additional challenges. In New York City, the Mayor has proposed a pilot project that would pay low-income parents to encourage school success for their children. It is important to understand that the reason many low-income workers do not participate in school activities crucial to their children's education is that they cannot – they risk their jobs when they take time off for such things as parent teacher conferences. For those workers, job protection is the critical piece. Just as New York law provides job protection for employees who serve on jury duty, it should guarantee leave to support children's educational needs.

PUBLIC POLICY IS A CRUCIAL VEHICLE FOR SECURING WORKING PARENTS TIME FOR CAREGIVING, ESPECIALLY DURING CHILDREN'S EARLIEST YEARS

Paid Family Leave:
Fully Paid Weeks Allowed Following Birth or Adoption
(includes national social insurance programs and earnings-related benefits)

- U.S. family-leave policy is exceptionally meager.
- The lack of paid leave restricts American parents' options. Many must choose between losing their pay or placing their newborns in child care.



(Gornick 2007)

2 IMPROVE ACCESS TO FLEXIBLE WORK ARRANGEMENTS FOR ALL NEW YORKERS

Flexible work arrangements (e.g., part-time work, flexible workday schedules and telecommuting) are crucial for families struggling to care for their children, aging parents or disabled loved ones, and to succeed in the workplace. Other countries have supported flexible work for employees and have expanded options and opportunities for working families. Today, fully 65 percent of families with children are headed by two employed parents or by a single working parent. This contrasts dramatically with the 1960s, when 70 percent of families had at least one parent at home full-time. As a result, workers now need greater flexibility than they once did to care for their families (Levin-Epstein 2006).

While workplace inflexibility affects workers across the economic spectrum, low-income parents are hardest hit. They are least likely to have access to workplace flexibility even though studies show their children face the greatest challenges in terms of child development issues and poor family health and would benefit from greater parental involvement in their lives (Heymann 2000). Parents who work non-standard shifts are more likely to have children who score poorly in math, vocabulary and reading tests; who repeat a year; and who are suspended from school. Too many low-income women are being forced to make a choice between being a good employee or a good mother.

EXCERPT FROM “A NEW AMERICAN UNDERGROUND”

BY LISA DODSON

Nicole is in her 30s; she was originally from the Caribbean and has been doing paid carework for more than a decade. She has two sons; Leonard is 17 and Stephen is 5. Nicole works two full-time shifts at two nursing homes. Ordinarily, Nicole leaves “Heavenly House” at 3:30 pm after working the day shift and then takes the bus to another part of town and begins her second full-time shift, at another nursing home. Nicole does this Monday through Friday and sometimes takes weekend shifts. She spends about 5 of any 24 hours at home. At the first nursing home she generally cares for 9-10 elderly and infirm people but at the second, on the evening shift, there are two aides for 40 people. “*You just can’t take care of that many people...it means they don’t get some of what they need.*” The workload that exhausts Nicole is harmful for the vulnerable residents too.

This life of work has a whole host of effects on Nicole, on her back and her spirit. But what most concerns her is that she can’t stay on top of what is happening with her sons. “*Sometimes I might just see them a few hours in two weeks.*” What does it mean to be a good mother and also to be a good worker in a life where you have to work two full-time jobs to make one sustainable income? And why is it up to the Nicoles of the world – the millions of them who are working too hard and being paid too little and trying to keep children safe – to be the ones who carry the nation?

2A Provide higher-quality flexible work options, including part-time parity and “right to request” measures

While part-time workers report less work-family conflict than full-time workers, this benefit does not come without a price. Part-time workers in the U.S. earn 21 percent less per hour than full-time workers (Williams 2007). Many are also in dead-end jobs and have the least access to employer benefits. In 2001, 18.5 percent of regular part-time workers had health benefits provided by their employer, compared to 69 percent of regular full-time workers (Robert 2003).

Across Europe, programs that support workers with family responsibilities

– particularly workers’ rights to high-quality part-time work – have grown in recent decades, despite waning support for other social programs and policies (Gornick 2007). For example, in the U.K. a law implemented in 2003 gives the parent of a young child (under age 6) or a disabled child (under 18) the right to ask his or her employer for a range of flexible work arrangements. The law does not require the employer to accept the request. After the first year, almost one quarter of all eligible employees – about 800,000 parents – successfully reduced or rearranged their work schedules (Kornbluh 2005).

One significant reason the U.K. law was successful was because a



major public education campaign preceded and accompanied it. Recognizing the importance of workplace flexibility for workers and employers, the government launched a work-life balance campaign in 2000 and established a Work and Parents Task Force. The results of this initiative were a government-sponsored partnership with business to make the case for better flexibility options to employers, a “challenge fund” for employers interested in achieving a better work-life balance, and, ultimately, legislation guaranteeing the right to request flexible work (Kornbluh 2005).

In the European Union, national measures require pay and benefit parity for part-time workers. Conversely, U.S. laws offer very few protections for part-time workers (Gornick 2007). The U.S. should follow the lead of the European Union and work to ensure that part-time workers are not discriminated against and have greater opportunities for advancement, and to improve the quality and benefits of part-time work. On the federal level, passing

the Part-Time and Temporary Workers Benefits Act would address these important issues (Levin-Epstein 2007).

One specific way in which employers can provide high-quality part-time work options for their employees is by facilitating job sharing. Employees with flexible schedules can better meet their family care responsibilities and work responsibilities while maintaining or improving their levels of productivity and efficiency.

2B Develop incentives for employers to adopt flexible policies

On the local level, tax credits are one important mechanism New York City should consider to improve the quality and benefits of part-time work. According to a 2004 Corporate Voices for Working Families survey about low-wage jobs, most voters (85 percent) support government tax incentives for employers who create quality jobs (Levin-Epstein 2006). New York City should examine tax credit schemes and identify those

THE HOUSTON EXPERIMENT

THE BENEFITS OF FLEXIBLE SCHEDULES

In September 2006, Mayor Bill White of Houston, after learning from an initial study that increased flexibility would result in an annual savings of over \$1 million, launched a two-week experiment in which employees of major corporations were allowed to alter their work schedules in order to decrease traffic congestion (Lyones 2006). More than 140 organizations signed up for the experiment, which enabled as many as 20,000 employees to work flexible schedules. The change in commuting patterns resulted in a savings of more than 5.8 percent in travel-time for 32,000 peak-time commuters on two of Houston's major freeways. Sixty-six percent of participants said their commute was faster or much faster than the previous week (www.houstontx.gov/flex-works). Other states around the country have already begun to link workplace flexibility and traffic congestion and New York City should follow suit.

which could encourage employers to better support part-time and other forms of flexible work. For example, several states, including Hawaii, Missouri, and Vermont have introduced bills at the state level providing for some form of government tax credits for employers who offer health insurance to their part-time workers (Pitt-Catsouphes 2005).

Telecommuting has also been shown to have a positive bottom-line impact for employers by reducing turnover, improving productivity and decreasing absenteeism (Pitt-Catsouphes 2006). Studies indicate that by reducing commuting time, workers are able to have more time to care for their families. This, in turn, has proven to benefit workers' physical and mental health. Tax credits are being considered in several states, including Georgia and Maryland, as a mechanism to promote telecommuting.

3 END DISCRIMINATION AGAINST THOSE WITH FAMILY RESPONSIBILITIES

Expanding discrimination legislation to address work-life issues could (1) protect workers against workplace discrimination based on family responsibilities; (2) provide workplace protections for breastfeeding mothers; and (3) provide workplace protections for domestic workers.

3A Add those with family responsibilities to the list of those protected against discrimination in employment under federal, state and local civil rights laws

Workers are frequently fired, demoted, not promoted or denied other employment benefits because of their family responsibilities. Case examples of this practice abound, and families are affected across the economic spectrum. Family responsibilities discrimination (FRD) often takes the form of gender stereotyping; for example, a supervisor may refuse to put a new mother in charge of a project because he assumes she will want to spend more time with her baby and be less committed to her job. Existing civil rights laws like Title VII of the federal Civil Rights Act of 1964 (42 U.S.C. §§ 2000e *et. seq.*) and its state and local analogs, prohibit sex discrimination in employment. FRD claims have increased 400 percent over the last 10 years and have a high win rate (Still 2006).

Despite such successes, law reform is necessary. Rather than trying to force FRD claims to fit into sex discrimination, the law should explicitly prohibit dis-

crimination based on family responsibilities. Doing so would raise public awareness of FRD discrimination and simplify litigation. Perhaps even more importantly, amending civil rights law to prohibit FRD discrimination would explicitly send a strong message to employers to address work-family issues proactively. Strengthening the law creates incentives for voluntary efforts that benefit employers and employees alike. Alaska and the District of Columbia already have laws on the books that prohibit FRD discrimination (Alaska Stat. § 18.80.200; D.C. Code Ann. §§ 2-1401.01-.02). In February 2007, a bill banning FRD discrimination was introduced in California. The New York Human Rights Code is one of the strongest in the nation and should be amended to prohibit this blatant form of discrimination.

3B Provide specific protections for breastfeeding mothers

Discrimination laws should also be amended to prohibit discrimination against breastfeeding mothers and to provide for reasonable accommodation in terms of breaks and privacy for mothers who are breastfeeding. It is important for the health of new babies to allow mothers the time and privacy they need to supply breast milk to their children while continuing to be employed. Medical research clearly shows that breastfeeding is good for children. Breastfeeding results in lower infant and child mortality, and breastfed children have fewer health problems and better average cognitive development. Breastfeeding also provides short- and long-term health benefits to mothers. At least 107 countries protect women's right to breastfeed, including 73 countries that provide for paid breastfeeding breaks (Heymann 2007).

U.S. law is paltry in comparison. The federal law was amended in 1999 to protect the right to breastfeed on federal property (U.S. Postal Appropriations (spending) Pub. L. 106-58, § 647 (1999)). New York State law protects the right to breastfeed in public places. Representative Carolyn Maloney has repeatedly introduced legislation to expand the Pregnancy Discrimination Act to cover breastfeeding, to ensure that breast pumps are regulated by the FDA and to create incentives for employers to provide lactation rooms. We support efforts to protect the rights of breastfeeding mothers and to support breastfeeding. Such law reform should be explored at the federal, state and local level.



3C Protect domestic workers from discrimination and labor abuses

Existing laws should be expanded to cover domestic workers, who often work in an unregulated underground economy. Approximately 200,000 domestic workers, including nannies, house cleaners, and eldercare providers, work in New York City. These workers play an important role in the broad service sector that enables New York to function as a center of global activity. Domestic workers earn low wages and often lack basic workplace benefits such as raises and paid sick days (DWU 1996). A concerted organizing effort in New York City resulted in the New York City Council passing the “Nanny Bill” in 2003, which requires employment agencies to provide domestic employers with a “Code of Conduct” (Local Law 33). Signalling the interdependence of domestic workers and the families they serve, employers are also organizing and joining the effort to win workplace protections for domestic workers (www.jfrej.org).

Current labor and civil rights laws exclude domestic workers from coverage. Since 1974, the Fair Labor Standards Act has included domestic workers in its minimum wage and overtime provisions, but still excludes “casual” employees like babysitters and “companions” to the sick and

elderly (29 U.S.C. § 213(a)(15)). Occupational Safety and Health Act regulations exclude domestic workers from its protections “[a]s a matter of policy” (29 C.F.R. § 1975.6). Title VII of the Civil Rights Act of 1964, the main federal employment discrimination law, applies only to employers of 15 or more employees, thus effectively excluding all domestic workers from coverage. The National Labor Relations Act bars domestic workers from collectively organizing into unions (29 U.S.C. § 152(3)). New York state and local law contain lower minimums (four employees), which reaches smaller employers than Title VII, but still effectively excludes most domestic workers.

Law reform to protect the rights of domestic workers can take many forms. Labor laws that specifically exclude domestic workers from coverage can be amended to include them. Civil rights laws can also be expanded to apply to domestic workers. The New York State Domestic Workers’ Bill of Rights would amend the New York State Labor Law to ensure a living wage for domestic workers; give employers a choice to provide health care coverage or a wage supplement; ensure basic workplace standards around pay, leave, and termination; and provide a mechanism for domestic workers to enforce these workplace standards in court.

4 PROVIDE ADEQUATE CHILDCARE FOR ALL WORKING FAMILIES

Support for quality affordable childcare must be a part of any comprehensive work-family agenda for New York City. The research is clear that high-quality childcare significantly impacts a child's social, physical and cognitive development.

4A Increase access to quality, affordable early care and education services and after-school care

Unfortunately, quality affordable childcare is in short supply in New York City. According to Child Care Inc., 38,000 children in New York City are waiting for city subsidies for childcare, and only 45 percent of children who need out-of-home care while their parents work have access to regulated care. Childcare often accounts for as much as 40 percent of a family's income, making it unaffordable for working families (Child Care Inc. 2006).

4B Promote the recruitment and retention of a high-quality childcare workforce

We must promote the recruitment and retention of a high-quality childcare workforce with higher pay and benefits. A critical indicator of childcare quality is the quality of the teachers and providers giving it. Unfortunately, a third of all teaching staff leave their jobs within a year, often due to low wages and inadequate benefits, which leads to understaffed centers and providers with less education and training.

We must also improve teacher qualifications and expand training and



technical requirements. Surveys show that targeted training and mentoring can significantly improve the quality of care, particularly for babies and toddlers in center-based programs (Child Care Inc. 2006).

4C Support universal pre-kindergarten (UPK)

In addition, we must support an expansion of pre-school services in New York City. The research is overwhelmingly clear that children in quality preschool programs do better academically and are also less likely to drop out of school or repeat future grades. According to the New York City Board of Regents, high quality early learning programs are a necessity if our children are to compete globally.

5 OTHER CRITICAL ISSUES FOR WORKING NEW YORKERS

5A Provide health insurance and sustainable incomes (raise the minimum wage) for all workers

Over 42 million Americans do not have health insurance and, unfortunately, current minimum wage requirements (\$5.15 per hour federal and \$7.15 per hour New York State) are not high enough to cover the housing, food and health care needs of most families. Ensuring that all families have access to jobs that pay a living wage and are covered by health insurance ensures a healthy, secure society.

5B Provide income support for those caring for family members with no other source of income

The existence of a real safety net of public assistance programs is critical for families who face job loss because of illness or the need to care for sick or disabled family members.

5C Allow for education to count as work for individuals on welfare-work programs

Finally, education needs to be recognized as a path out of poverty. Education should be allowed to fulfill welfare-to-work requirements so that parents on welfare will have a chance to move into jobs that provide sustainable incomes for their families.

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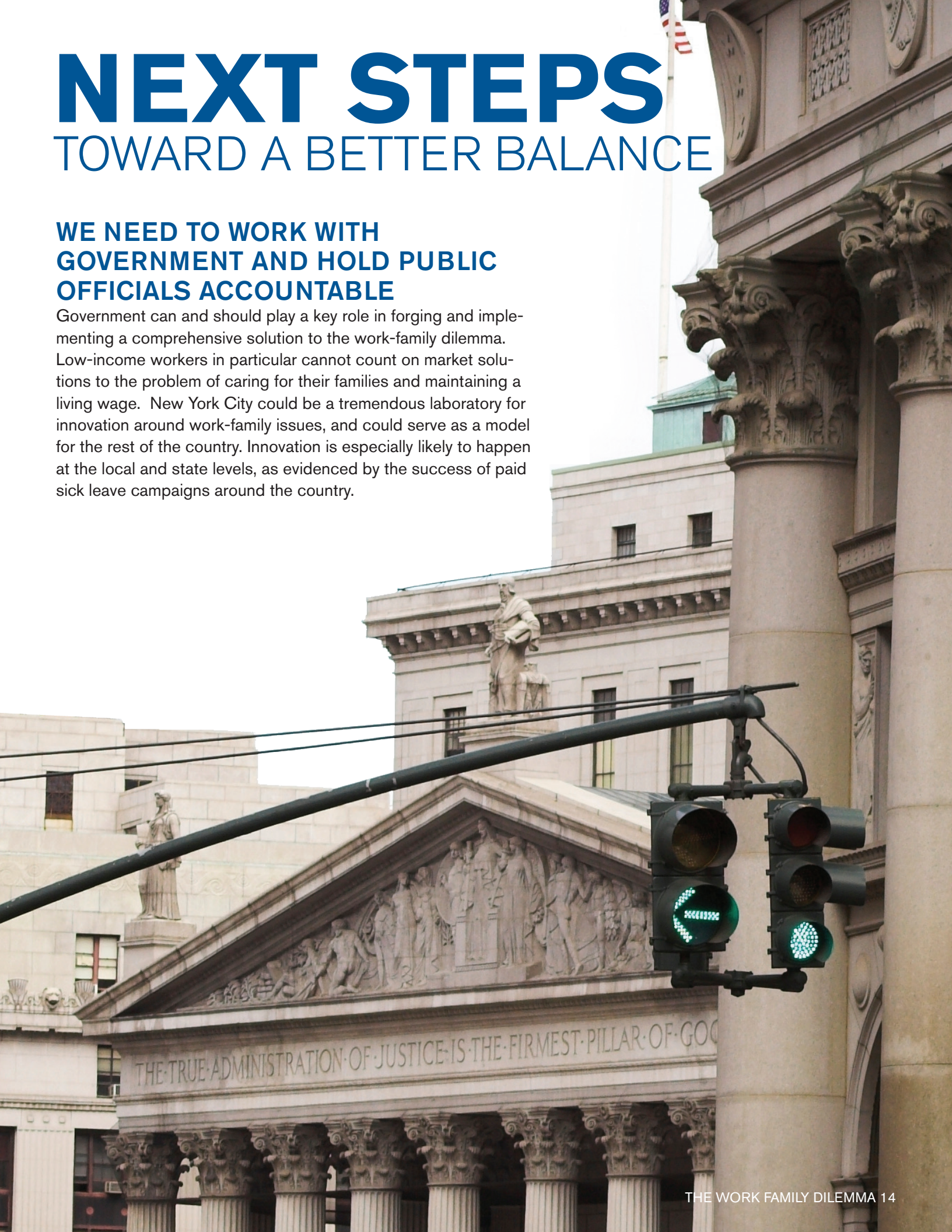
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NEXT STEPS

TOWARD A BETTER BALANCE

WE NEED TO WORK WITH GOVERNMENT AND HOLD PUBLIC OFFICIALS ACCOUNTABLE

Government can and should play a key role in forging and implementing a comprehensive solution to the work-family dilemma. Low-income workers in particular cannot count on market solutions to the problem of caring for their families and maintaining a living wage. New York City could be a tremendous laboratory for innovation around work-family issues, and could serve as a model for the rest of the country. Innovation is especially likely to happen at the local and state levels, as evidenced by the success of paid sick leave campaigns around the country.



WHAT CAN WE DO IN NEW YORK CITY?

LOCAL SOLUTIONS TO THE WORK-FAMILY DILEMMA

1 Enact local legislation to guarantee paid leave, outlaw discrimination on the basis of family responsibilities and support flexible work policies

In many localities, including New York, there is broad authority to enact legislation that deals with the health and welfare of local residents. San Francisco has enacted the first paid sick leave requirement for all employers through a ballot initiative and Madison, Wisconsin and the District of Columbia are poised to follow. Local anti-discrimination laws can outlaw discrimination due to caregiver responsibilities. Local laws could also provide tax credits encouraging part-time parity or health insurance for part-time workers.

2 Convene a taskforce of stakeholders to develop a local agenda on work-life issues

Bringing together all those affected by work-family policy is a good first step to developing solutions both because all perspectives can be aired and considered, and the resulting agenda will have support from many different sectors. Smaller governmental units, for example, a city like New York, can most easily bring together the people who are most important in crafting and supporting policies. It would be important to include representatives of large business, small business, labor, government and grassroots advocates. In the United Kingdom, such a task force developed the "soft touch" law that gives employees the right to request a flexible work schedule, allows the employer to deny the request, and gives the right to appeal. The British law has been credited with increasing workers' access to flexible work hours. Another advantage to working on the local level is that it is easier to innovate in a smaller laboratory.

3 Establish pilot projects to promote flexibility

Pilot projects or demonstration programs provide another avenue for innovation on the local level. We have identified two ideas that hold particular promise for New York City, but additional ideas abound and could be pursued. In New York, we propose that the city launch a flexible work hour project aimed at decreasing traffic congestion like Houston's. According to the Census Bureau, New Yorkers endured the second largest commute time in the nation in 2006 and spent an average of one hundred hours getting to work. The Partnership for New York City calculates that gridlock drains \$13 billion from the area's economy every year, estimating that the city could gain as many as 52,000 jobs if it could solve the problem (Partnership for New York City 2006). We also believe that New York City should be a model employer and develop a pilot project allowing flexible work hours for city workers.

4 Build Public Awareness

New York City should be a model for other cities and states, as well as the federal government, in building public awareness of the benefits of flexible work by creating a website on this issue. While some federal websites such as the Women's Bureau Flex Options project and the Office of Personnel Management offer information on flexible work, it pales in comparison to the quality and amount of information offered by other developed nations' government sites (Levin-Epstein 2006). The New York City website should define the benefits of flexible work for corporate employers, provide tips for employees on how to negotiate a flexible schedule, tips for employers on how to implement flexible work, as well as links to resources and research on flexible work and developments in legislation. In addition, the website should highlight employers that are leaders in the field of workplace flexibility. These employers should also be able to post descriptions of the good practices for which they wish to be recognized.

THE BUSINESS CASE

BETTER BALANCE, BETTER COMPANY

Flexible work and other family-friendly programs can be effective tools in reducing turnover and tardiness and increasing productivity, job satisfaction and company loyalty. Collectively, these positively impact a company's bottom line. For example, with respect to flexible programs that enable workers to work from home, if the proportion of employees working from home increases by one percentage point, the firm's profit rate increases by an additional six-tenths of one percent. For the average firm included in this sample, this equals a profit increase of approximately \$84 million. Also, employee stress due to concerns about their children after school is associated with decreased productivity and increased absenteeism. Estimates indicate this can cost businesses anywhere from \$496 to \$1,984 per employee per year.

(Workplace Flexibility 2010)

WE NEED TO WORK WITH THE BUSINESS COMMUNITY

It is a mistake not to include business in forging a solution to the work-family dilemma. Many businesses of all sizes recognize that helping their employees address work-family issues is good for the bottom line. These employers can serve as an example of best practices. Advocacy efforts on this issue create a floor for voluntary good business practices, and create a space for constructive dialogue with the business community.



WE NEED TO FORM COALITIONS AND EDUCATE THE PUBLIC

We need to develop diverse coalitions that recognize there is a continuum of providing care, from childcare to eldercare, and include men and women from all classes and ethnicities, as well as employers and labor organizers. We need to make sure the public understands the importance of these issues, the poor performance of our nation in addressing these issues and the need and possibility for good policy solutions.

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www.clasp.org

The Center for Work and Family

www.bc.edu/cwf

Center for Work-Life Policy

www.worklifepolicy.org

Center for WorkLife Law

www.uchastings.edu

Child Care Inc.

www.childcareinc.org

Community Service Society of New York

www.cssny.org

Corporate Voices for Working Families

www.cvworkingfamilies.org

Council on Contemporary Families

www.contemporaryfamilies.org

Domestic Workers United

www.domesticworkersunited.org

The Families and Work Institute

www.familiesandwork.org

The Institute for Women's Policy Research

www.iwpr.org

The Labor Project for Working Families at Berkeley

www.laborproject.org

Legal Momentum

www.legalmomentum.org

Moms Rising

www.momsrising.org

Mothers and More

www.mothersandmore.org

Mothers' Centers

www.motherscenter.org

Mother's Movement On-line

www.mothersmovement.org

Multi-States Working Families Consortium

www.progressivestates.org

National Association of Women Business Owners

www.nawbo.org

National Organization for Women

www.now.org

The National Partnership for Women and Families

www.nationalpartnership.org

New Ways to Work

www.nww.org

New York State Paid Leave Coalition

www.nyunionchildcarecoalition.org

Sloan Work & Family Research Network

www.wfnetwork.bc.edu

Take Back Your Time

www.timeday.org

The Third Path Institute

www.thirdpath.org

Welfare Rights Initiative

www.wri-ny.org

Wider Opportunities for Women

www.wowonline.org

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