

AAUW CAPITOL HILL LOBBY CORPS
Healthy Families Act (S. 1152)

I. SUMMARY

Message: Please cosponsor the Healthy Families Act (S. 1152).

The Healthy Families Act would guarantee workers paid sick days; specifically workers would accrue seven paid sick days a year. This policy would benefit over 66 million Americans: 46 million would gain access to paid sick days; 19 million would gain paid sick days for leave for doctors' visits and family care; and 1 million Americans would gain additional paid sick days. Cosponsorship of the Healthy Families Act is particularly timely on the heels of calls from the Centers for Disease Control and health officials for workers presenting flu-like symptoms to stay home. For the 43 percent of private sector workers¹ and over 22 million working women² without sick-days, this is unaffordable and unrealistic.

II. BACKGROUND

Paid Sick Leave

AAUW has long supported flexible workplace policies to address the family responsibilities of employees. Offering workers the option of taking time off when 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.³ But many hardworking Americans do not have access to the important benefit of paid sick leave. In fact, just under half (43 percent) of the private sector workforce has no paid sick days.⁴ Low-wage workers are especially hard hit, with about half receiving no paid sick days.⁵ 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.⁶ More than 22 million working women do not have paid sick days,⁷ 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.⁸ Lastly, with more than a third of Americans already experiencing significant elder care responsibilities,⁹ 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. Preparations are underway for what could be a busy flu season this fall. Doctor's offices and pharmacies have already started administering seasonal flu vaccines. The U.S. Food and Drug Administration recently approved the use of one dose of the H1N1 flu vaccine, expected to be available soon, for people over the age of 10. And the Centers for Disease Control and Prevention recently released new guidance for employers to decrease the spread of the flu strains.

Among other recommendations, the CDC guidance tells employers that regardless of the size of their business or the function or services they provide, "all employers should plan now to allow and encourage sick workers to stay home without fear of losing their jobs."¹⁰ In addition, the guidance recommends that employers institute flexible workplace and leave policies for sick workers, those who stay home to care for ill family members, and those who must stay home to watch their children if dismissed from school. This situation forces families with children to be confronted with difficult choices. For the 86 million Americans who do not have paid sick days,¹¹ a decision to stay home to care for a sick child or family member could jeopardize their job or family income. In addition, they themselves are unable to make smart decisions to prevent infecting others because they cannot go without a day's wages. Furthermore, elder care responsibilities also affect nearly four in ten adults, and this number is likely to grow higher as nearly two-thirds of Americans under age 60 expect to be responsible for the care of an elderly relative in 2008.¹²

In the 111th Congress, the Healthy Families Act will be introduced with one new feature, in addition to some changes to the legislation from the 110th Congress. The seven paid sick days that workers accrue over the course of the year are available for use for treatment, recovery, and actions necessary to deal with an incidence of domestic violence. This includes, but is not limited to, activities such as filing a restraining order, making a court appearance, moving into a shelter, and seeking medical treatment. We know that the aftermath of domestic violence costs employers, at a minimum, between \$3 billion and \$5 billion annually in lost time and productivity.¹³ And even more importantly, victims of intimate partner violence lose 8 million days of paid work each year.¹⁴ Paid sick and safe days are a necessity to victims.

For these reasons, AAUW supports the Healthy Families Act. The bill guarantees full-time employees the opportunity to accrue seven paid sick days a year to be used for their own medical needs or to tend to the medical needs of a child, spouse or parent, as well as to recover or deal with an incidence of domestic violence. Part-time employees are also eligible to accrue paid sick days based on the hours they work. Many states are considering paid sick days legislation and ballot initiatives similar to the Healthy Families Act (visit <http://paysickdays.nationalpartnership.org/> to see where). In fact, the impetus for including paid sick days in the national dialogue came from its resounding support in successful efforts in Milwaukee and Washington, DC. Because the state by state process is slow-going and inconsistent a federal piece of legislation is key for affecting all Americans.

III. TALKING POINTS

Paid sick days are a public health necessity:

- While presenteeism at work and at school is a year round problem, it is especially an issue during flu season and during pandemics or outbreaks. When officials suggest those with symptoms stay home, it is a public health necessity that people do. But, for the majority of Americans without paid sick

days that direction is directly at odds with getting a paycheck or keeping a job.

Paid sick days are crucial for working women:

- More than 22 million working women do not have paid sick days.¹⁵
- 47 percent of women working in the private sector do not have paid sick days¹⁶
- In the industries that employ the most women – retail trade and accommodations/food service – and coincidentally have immense public health implications, almost 9 million women do not have paid sick days.¹⁷
- 27 percent of low-income women put off getting health-care because they cannot take time off from work. 18 percent of women in all income brackets face this situation.¹⁸

Women are still the primary family caregivers:

- 80 percent of mothers assume primary responsibility in the family for selecting their children's doctor, taking children to doctor's appointments, and arranging for their children's follow-up care.¹⁹
- 40 percent of working mothers lack both sick and vacation leave²⁰
- 53 percent of working mothers cannot take days off for sick children²¹
- Half of working mothers must miss work when their child is sick with a minor illness (such as a cold or ear infection)²²

IV. WHAT THIS BILL WOULD ACCOMPLISH

The Healthy Families Act would guarantee workers up to 7 accrued paid sick days to care for their own medical needs, those of their families, and to deal with an incidence of domestic violence. The bill, which applies to workplaces with 15 or more employees:

- Workers accrue paid sick days to be used for an employee's medical condition; an employee's doctor's appointment, or other preventative or diagnostic treatment; and to care for a family member with comparable needs. In addition the Healthy Families Act permits the days to be used to deal with the aftermath of an incidence of domestic violence.
- New in the 111th Congress, the Healthy Families Act now provides that workers accrue the seven days based on the hours they work. This is a model in line with current business practices. Specifically, it allows workers to earn a minimum of one hour of paid sick time for every 30 hours worked, up to 56 hours (seven days) per year, unless the employer selects a higher limit.
- Allows employers to maintain existing policies that meet these standards, and encourage employers to provide greater benefits.
- Allows employers to request certification for leave for employees who request three or more consecutive days. Employers must keep health information and the details of any domestic violence leave certification confidential and separate from personnel files.

V. ARGUMENTS FROM THE OPPOSITION

These new requirements would unfairly burden employers and affect businesses productivity.

Similar arguments were lodged against the Family and Medical Leave Act before it was passed. However, in January 2001, the bipartisan Commission on Family and Medical Leave released a study reporting that almost 90 percent of covered employers said that complying with FMLA brought no or minimal increase in their administrative costs.²³ Further, while the vast majority of employers reported the FMLA had no impact on business practices, productivity, and outcomes, some employers reported cost savings associated with lowered employee turnover, as well as improved morale.²⁴

These new requirements would cost employers too much, and affect companies' profits.

Paid sick days produce savings for businesses through decreased turnover and increased productivity. The Institute for Women's Policy Research estimates that the

Healthy Families Act would result in a net savings, after covering costs of paid leave, of \$8 billion per year. In addition, we are fortunate to be able to examine the policy already in place in San Francisco where it was shown that implementing paid sick days resulted in a minor impact on employers and strong job growth in relation to the region.²⁵

VI. STATUS

5/21/2009 Introduced by former Sen. Edward Kennedy (D-MA) referred to the Senate Committee on Health, Education, Labor, and Pensions.

The Healthy Families Act has 21 cosponsors:

[Sen Akaka, Daniel K.](#) [HI] - 5/21/2009
[Sen Boxer, Barbara](#) [CA] - 5/21/2009
[Sen Brown, Sherrod](#) [OH] - 5/21/2009
[Sen Burris, Roland](#) [IL] - 5/21/2009
[Sen Casey, Robert P., Jr.](#) [PA] - 5/21/2009
[Sen Dodd, Christopher J.](#) [CT] - 5/21/2009
[Sen Durbin, Richard](#) [IL] - 5/21/2009
[Sen Feingold, Russell D.](#) [WI] - 5/21/2009
[Sen Franken, Al](#) [MN] - 9/16/2009
[Sen Gillibrand, Kirsten E.](#) [NY] - 5/21/2009
[Sen Harkin, Tom](#) [IA] - 5/21/2009

[Sen Inouye, Daniel K.](#) [HI] - 5/21/2009
[Sen Johnson, Tim](#) [SD] - 5/21/2009
[Sen Kerry, John F.](#) [MA] - 5/21/2009
[Sen Lautenberg, Frank R.](#) [NJ] - 5/21/2009
[Sen Levin, Carl](#) [MI] - 5/21/2009
[Sen Menendez, Robert](#) [NJ] - 5/21/2009
[Sen Mikulski, Barbara A.](#) [MD] - 5/21/2009
[Sen Murray, Patty](#) [WA] - 5/21/2009
[Sen Sanders, Bernard](#) [VT] - 5/21/2009
[Sen Schumer, Charles E.](#) [NY] - 5/21/2009

VII. TARGETS

VIII. WHO TO ASK FOR : Labor LAs

¹ U.S. Department of Labor, Bureau of Labor Statistics. (August 2007). *National Compensation Survey: Employee Benefits in Private Industry in the United States, March 2007*, Table 19. Retrieved January 16, 2008, from <http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>.

² Institute for Women's Policy Research. (February 2007). *Women and Paid Sick Days: Crucial for Family Well-Being*. Retrieved January 15, 2008 from http://www.iwpr.org/pdf/B254_paidicksickdaysFS.pdf.

³ The Institute for Health and Social Policy. (2007). *The Work, Family, and Equity Index: How Does the United States Measure Up?* Retrieved January 15, 2008, from <http://www.mcqill.ca/files/ihsp/WFEIFinal2007.pdf>.

⁴ U.S. Department of Labor, Bureau of Labor Statistics. (August 2007). *National Compensation Survey: Employee Benefits in Private Industry in the United States, March 2007*, Table 19. Retrieved January 16, 2008, from <http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>.

⁵ U.S. Department of Labor, Bureau of Labor Statistics. (August 2007). *National Compensation Survey: Employee Benefits in Private Industry in the United States, March 2007*, Table 19. Retrieved January 16, 2008, from <http://www.bls.gov/ncs/ebs/sp/ebsm0006.pdf>.

⁶ Salganicoff, Alina, Usha R. Ranji, and Roberta Wyn. (2005) *Women and Health Care: A National Profile*. Kaiser Family Foundation. Retrieved January 15, 2008 from <http://www.kff.org/womenshealth/7336.cfm>.

⁷ Institute for Women's Policy Research. (February 2007). *Women and Paid Sick Days: Crucial for Family Well-Being*. Retrieved January 15, 2008 from http://www.iwpr.org/pdf/B254_paidicksickdaysFS.pdf.

⁸ Kaiser Family Foundation. (April 2003). *Women, Work and Family Health: A Balancing Act*. Retrieved January 15, 2008 from <http://www.kff.org/womenshealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14293>.

-
- ⁹ National Partnership for Women and Families. (June 2004). *Get Well Soon: Americans Can't Afford to Be Sick*. Accessed January 24, 2008 from <http://www.nationalpartnership.org/site/DocServer/GetWellSoonReport.pdf?docID=342>.
- ¹⁰ <http://cdc.gov/h1n1flu/business/guidance/>
- ¹¹ Lovell, Vicky. (May 2004). *No Time to be Sick: Why Everyone Suffers When Workers Don't Have Paid Sick Leave*. Institute for Women's Policy Research. Accessed January 5, 2008 from <http://www.iwpr.org/pdf/B242.pdf>.
- ¹² National Partnership for Women and Families. (June 2004). *Get Well Soon: Americans Can't Afford to Be Sick*. Accessed January 24, 2008 from <http://www.nationalpartnership.org/site/DocServer/GetWellSoonReport.pdf?docID=342>.
- ¹³ Bureau of Nat'l Aff., Special Rep. No. 32, *Violence and Stress: The Work/Family Connection 2* (1990).
- ¹⁴ Centers for Disease Control and Prevention, *Costs of Intimate Partner Violence Against Women in the United States* (2003).
- ¹⁵ Institute for Women's Policy Research. (February 2007). *Women and Paid Sick Days: Crucial for Family Well-Being*. Retrieved January 15, 2008 from http://www.iwpr.org/pdf/B254_paysickdaysFS.pdf.
- ¹⁶ Ibid.
- ¹⁷ Ibid.
- ¹⁸ Salganicoff, Alina, Usha R. Ranji, and Roberta Wyn. (2005) *Women and Health Care: A National Profile*. Kaiser Family Foundation. Retrieved January 15, 2008 from <http://www.kff.org/womenshealth/7336.cfm>.
- ¹⁹ Ibid.
- ²⁰ Heymann, Jody S. (October 2001). *The Widening Gap: Why America's Working Families are in Jeopardy and What Can Be Done About It*. New York: Basic Books. Fact sheet retrieved April 9, 2008 from <http://www.iwpr.org/pdf/heyman.pdf>.
- ²¹ Wyn, Roberta, and Ojeda, Victoria. (2003). *Women, Work, and Family Health: A Balancing Act*. Retrieved April 9, 2008 from <http://www.kff.org/womenshealth/3336-index.cfm>.
- ²² Ibid.
- ²³ National Partnership for Women and Families. (2001) *Highlights of the 2000 U.S. Department of Labor Report*. Retrieved January 20, 2008 from <http://www.nationalpartnership.org/site/DocServer/2000DOLLaborReportHighlights.pdf?docID=954>.
- ²⁴ U.S. Department of Labor, Bureau of Labor Statistics. (January 2001). *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys*, Tables A2-6.12 and A2-6.19. Retrieved January 15, 2008, from <http://www.dol.gov/esa/whd/fmla/fmla/APPX-A-2-TABLES.htm>.
- ²⁵ Institute for Women's Policy Research. (October 2008). *Job Growth Strong with Paid Sick Days*. Retrieved May 6, 2009 from www.iwpr.org/pdf/B264_JobGrowth.pdf.