



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

The American Association of University Women believes that creating work environments that help employees balance the responsibilities of work and family is good public policy—good for workers, good for families, and good for business. AAUW’s 2009-2011 Public Policy Program supports “greater availability of and access to benefits and policies that promote work-life balance,” which are critical for women for “equitable access and advancement in employment.”<sup>1</sup>

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

### **Encouraging Flexibility in the Workplace**

The past 50 years have seen substantial changes in the composition of the American workforce. Two-thirds (64 percent) of women with children under six are in the labor force.<sup>4</sup> Nationwide, 22.9 million families provide care for an adult family member or friend, and nearly 80 percent of those care recipients are over the age of 50.<sup>5</sup> New and unique solutions are necessary to meet the demands of families and the obligations of work. Traditional scheduling and inflexible practices are often detrimental to the balance most employees try to strike. Inflexibility, in turn, negatively impacts recruiting and retention for employers. AAUW supports flexible work policies that take many forms, including job sharing, telecommuting, and career flexibility. Further, policies such as affording employees greater control over their own work schedules, including start and end times; the right to request schedule adjustments and flexible work policies from their employers; and the right to part-time parity in wages, benefits, and government protections, are important improvements for the 111th Congress to work towards.

### **Family and Medical Leave**

AAUW led the advocacy charge from 1983 to 1992 that resulted in finally passing FMLA, which was signed into law in 1993. FMLA helps employees balance the increasing demands of work

and family at little or no cost to employers. It allows eligible women and men who work for employers with 50 or more employees to take up to 12 weeks of unpaid leave each year for certain family and medical purposes. Specifically, employees may use FMLA leave when they are seriously ill or when they must care for a newborn or adopted child or a seriously ill member of their immediate family. Employees receive continued health insurance benefits while on leave and are guaranteed the same or an equal position to the one they held prior to their leave. Under FMLA, employees are eligible if they have worked for an employer for at least 12 months and worked for 1,250 hours over the 12 months before leave is needed.

More than 60 million covered and eligible employees have used FMLA to take care of themselves and their families during times of critical need without jeopardizing their health insurance benefits or job security.<sup>6</sup> In 2005 alone, over 7 million employees took some type of family medical leave.<sup>7</sup> 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.<sup>8</sup> Further, while the vast majority of employers reported that 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.<sup>9</sup>

Despite the law's clear success, in the fifteen years since the law's passage some clear areas for improvement have emerged. One of the biggest challenges in FMLA coverage clearly arises from its unpaid status. For example, 78 percent of eligible employees who have needed FMLA-covered leave have not been able to take it because they could not afford to.<sup>10</sup> Furthermore, prior presidential administrations have sought to chip away at the protections of FMLA with mixed results. AAUW will continue its efforts to protect FMLA from these threats.

### **Possibilities For FMLA Expansion**

To build on the success of this law, members of Congress have discussed a variety of proposals to expand FMLA to cover more Americans and more family and medical needs. In the 110th Congress, FMLA was expanded to cover members of the Armed Forces and their families. Regulations released to clarify this expansion were largely positive for service members, and AAUW supported this vital FMLA expansion. In the 111th Congress, AAUW supports the following FMLA enhancements, which have appeared in a variety of legislative proposals since FMLA was enacted.

- *Lower the eligibility threshold for employers from 50 or more employees to 25 or more employees.* Currently, the FMLA covers just 11 percent of all establishments<sup>11</sup> and only about two thirds of employees.<sup>12</sup>
- *Allow covered and eligible employees to take up to 24 hours of leave per year to participate in their children's academic school activities or literacy training.* Currently, FMLA allows leave for serious health needs of family members, but it does not give parents unpaid leave and job protection to address their children's educational needs, such as attending parent-teacher conferences or visiting new schools.

- *Expand the definition of family member under the FMLA to include siblings, domestic partners, and adult children.* Current FMLA protections apply only to spouses, parents caring for minor children, and adults caring for elderly parents. As a result of changing family situations, there are a significant number of women who are not married and have no children, but many still have caregiving responsibilities. Documentation showing caregiver status would be relatively easy to provide. Those who make sacrifices to care for loved ones deserve FMLA protections regardless of the caregiver's legal relationship to the person needing care.
- *Include safe days in FMLA for victims of domestic violence.* In addition to devastating emotional and physical effects, victims of domestic violence often suffer economic consequences of their abuse. In a survey by the Centers for Disease Control and Prevention, an estimated \$727.8 million of productivity was lost annually due to domestic violence, with more than 7.9 million paid workdays lost each year.<sup>13</sup> Victims of domestic violence often require time away from work for medical treatment, to obtain legal assistance, to visit court for a protection order, to seek documentation of their injury, or to find new housing or child care. Providing these safe days in FMLA benefits for battered women can help prevent victims from losing their jobs and possibly turning to welfare or returning to their abuser for financial support.

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

Despite the important achievements of the law and the evidence of its benefit to workers, attacks continue against the important protections FMLA affords. Most business groups opposed the FMLA, and even state governments tried to shrink from their responsibilities under the law. In May 2003, the U.S. Supreme Court affirmed (6-3) that states must comply with the FMLA, in *Hibbs v. Nevada Department of Human Resources*.<sup>14</sup> State employees are entitled to the same family leave rights as other working Americans. AAUW signed on to an *amicus* brief in support of *Hibbs* and applauded the Court's ruling. In addition, on the federal level, a number of regulations have been put in place that have limited the benefits available or made it more difficult for employees to take family and medical leave.

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

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

### **Paid Leave**

AAUW has long supported flexible workplace policies to address the family responsibilities of employees. Offering workers the option of taking time off when they or a family member is sick is not just good for families, it's good for business. At least 145 countries worldwide provide paid sick days, with 127 providing a week or more annually. More than 79 countries provide sickness benefits for at least 26 weeks or until recovery.<sup>15</sup> But many hardworking Americans do not have access to the important benefit of paid sick leave. In fact, 43 percent of the private sector workforce has no paid sick days.<sup>16</sup> Low-wage workers are especially hard hit, with 56 percent receiving no paid sick days.<sup>17</sup> Further, 27 percent of low-income women put off getting health care because they cannot take time off from work, and 18 percent of women at all income levels face this situation.<sup>18</sup> More than 22 million working women do not have paid sick days,<sup>19</sup> and as a result, half of working mothers report that they must miss work and often go without pay when caring for a sick child.<sup>20</sup> Lastly, with more than a third of Americans already experiencing significant elder care responsibilities,<sup>21</sup> coupled with the aging of the baby boomers, the problem is likely to worsen in the years ahead.

Without sick days, employees often come to work ill, decreasing productivity and infecting coworkers. Further, families with children are often confronted with difficult choices. For the 86 million Americans who do not have paid sick days,<sup>22</sup> a decision to stay home to care for a sick child or family member could jeopardize their job or family income. The number of Americans who are 75 or older is expected to more than double between 1990 and 2030; by that time, we will have nearly 50 million individuals aged 65 or older.<sup>23</sup> Currently, 16 percent of Americans 18 and older care for a relative who is 50 years old or older. Many of these caregivers are employed – about half work full-time, and 11 percent are employed part-time.<sup>24</sup> These employees need flexibility to meet the demands of both responsibilities.

Further, employer-based paid leave policies are also often remiss in addressing the needs of new parents. Paid parental leave enables working parents to take care of and bond with their newborns and newly-adopted children—which is critical to their children's health and well-being—without having to worry about their paycheck. As more mothers have entered the paid labor force for their family's economic security—increasing their labor force participation rate from 47 to 71 percent between 1975 and 2007<sup>25</sup>—access to paid parental leave has become a necessity for today's working families.

For these reasons, AAUW supports legislation such as the Healthy Families Act, which will

provide seven accrued paid sick days for full-time employees and a pro-rated number for part-time employees, and provisions that provide paid parental leave for all employees, including those working for the federal government.

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

States and municipalities have also been building on the success of the FMLA and expanding other paid leave policies. Multiple victories have been achieved since California became the first state to pass a paid-leave bill in September 2002. Since then, San Francisco passed a paid sick days ballot measure in November 2006, Washington, DC passed a paid sick and safe days law through its city council in March 2008, and Milwaukee residents voted for a paid sick and safe days ballot initiative in November 2008. Campaigns are ongoing in other locations as well, and AAUW continues to support efforts to provide paid leave for all.

### **Resources for Advocates**

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

### **Conclusion**

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

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