

**Testimony Before The Senate Labor & Industry Committee
In Support of the Family Care Act (Senate Bill 580)
Pennsylvania General Assembly**

**Submitted by the Women's Law Project
January 28, 2020**

The Women's Law Project (WLP) strongly supports the passage of Senate Bill 580, which would establish a statewide Family and Medical Leave Insurance Program and Fund. The WLP is a nonprofit, legal advocacy organization based in Philadelphia and Pittsburgh that seeks to advance the legal, social, and economic status of all people regardless of gender through impact litigation, public policy advocacy, community education, and individual counseling. A significant portion of our work involves efforts to improve the economic status of women, including women who bear the brunt of childcare and family caregiving activities without the benefit of paid family and medical leave, which results in long-lasting economic harm. Because caregiving falls primarily on women, particularly women paid low wages and women of color,¹ statewide paid leave will drastically improve the wellbeing and socioeconomic conditions for Pennsylvania women and those they care for. For women to achieve equality, laws must be in place that allow them to remain in the workforce when they need to care for themselves or their families. Doing so will not only benefit the women of Pennsylvania, but also their employers, their families, and the economy.

Pennsylvanians overwhelmingly support paid leave. Research conducted by the Pennsylvania Department of Labor and Industry found that 78% of Pennsylvanians support statewide paid leave, while over half of employers support such a program.² Senate Bill 580,

¹ See Pa. Dep't of Labor & Indus., Paid Family & Med. Leave in Pa.: Research Findings Report 12 (2017), https://www.dol.gov/wb/media/Pennsylvania_Final_Report.pdf [hereinafter Pa. Labor & Indus. Report].

² *Id.* at 9.

known as the Family Care Act, would guarantee working individuals paid leave to care for themselves, a new child, or a family member with a serious health condition. The bill has received bi-partisan support.

Childcare and family caregiving duties, including care of aging parents, continue to fall primarily on women.³ When employers do not offer paid leave, women lose pay while on unpaid leave and are sometimes pushed out of the workforce altogether, ultimately resulting in less income throughout a woman’s lifetime.⁴ Though the federal Family and Medical Leave Act of 1993 (FMLA) guarantees job protection for those who take leave under its provisions, it applies only to certain eligible employees and guarantees only unpaid leave.⁵ Less than half of all working adults are eligible for FMLA, and low-wage workers and workers of color, particularly Latinx workers, are even less likely to be eligible.⁶ Also, workers who are eligible may not be able to afford to take an unpaid leave, and barriers related to affordability disproportionately impact women and people of color, who are often paid less than white men performing similar work.⁷ In Pennsylvania, women who work full-time, year-round, make about

³ *Paid Leave Will Help Close the Gender Wage Gap*, Nat’l P’ship for Women & Families 1 (Apr. 2019), <https://www.nationalpartnership.org/our-work/resources/economic-justice/fair-pay/paid-leave-will-help-close-gender-wage-gap.pdf>.

⁴ *See generally Paid Sick Days Protect the Economic Security of Working Families*, Nat’l P’ship for Women & Families (June 2011), paysickdays.nationalpartnership.org/site/DocServer/PSD_Econ_Security_FINAL.pdf?docID=7831; Joan C. Williams & Heather Boushey, *The Three Faces of Work-Family Conflict: The Poor, The Professionals, and the Missing Middle*, Ctr. for Am. Progress 57–59 (Jan. 2010), <https://www.americanprogress.org/wp-content/uploads/issues/2010/01/pdf/threefaces.pdf>.

⁵ *See* 29 U.S.C. § 2612(d) (explaining that FMLA leave “may be provided without compensation”); *id.* § 2611(2) (defining eligible employees as those who have worked “for at least 12 months” for a total of “at least 1,250 hours”); *id.* § 2611(4) (defining employers as those with “50 or more employees”).

⁶ *See generally* Pamela Joshi et al., *Unequal access to FMLA leave persists*, Diversity Data Kids (Jan. 16, 2020), <http://new.diversitydatakids.org/research-library/data-visualization/unequal-access-fmla-leave-persists>.

⁷ *Id.*; Research shows that women and people of color receive lower wages than their similarly situated white male colleagues. *See, e.g.*, Inst. for Women’s Policy Research, *The Gender Wage Gap: 2018 Earnings Differences by Race and Ethnicity*, <https://iwpr.org/publications/gender-wage-gap-2018/>.

80 cents for every dollar a white man makes, and the gap is even wider for black and Latina women.⁸

For women in Pennsylvania, the enactment of SB 580 may eliminate having to choose between remaining in the workforce or caring for themselves and their families. Mothers who are able to take a paid leave are far more likely to remain in the workforce. Employers who provide paid leave for its employees benefit from lower levels of costly turnover and more productive and loyal employees.⁹ Moreover, in states that have already implemented a paid leave program, more women participate in the workforce and the wage gap between men and women accordingly decreases.¹⁰ The economy is bolstered when women can remain in the workforce—poverty is reduced and household incomes increase.¹¹ Access to paid leave in Pennsylvania will have a positive impact on the economic security of the Commonwealth’s families and children.

A woman should not risk falling into poverty because she has to take a temporary leave from work to care for herself or her family. Overwhelmingly, the lack of paid leave can force workers earning low wages to rely on forms of public assistance during unpaid leave just to make ends meet.¹² States that have enacted paid leave legislation report that women are less likely to experience poverty, which results in families being less likely to rely on food and housing subsidies.¹³ Moreover, when a woman can no longer work due to childcare or family

⁸ AAUW, *The Simple Truth* 8-9 (2018), <https://www.aauw.org/files/2018/10/AAUW-2018-SimpleTruth-nsa.pdf>

⁹ *Paid Leave Works: Evidence from State Programs*, Nat’l P’ship for Women & Families 3–4 (Sept. 2019), <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/paid-leave-works-evidence-from-state-programs.pdf>.

¹⁰ *See generally* Nat’l P’ship for Women & Families, *supra* note 3.

¹¹ Elyse Shaw & Heidi Hartmann, *A Woman-Centered Economic Agenda: 8 Policies that Boost the Economy & Work for Everyone*, Inst. for Women’s Policy Research (June 20, 2019), <https://iwpr.org/publications/woman-centered-economic-agenda-2019/>; Nat’l P’ship for Women & Families, *supra* note 9, at 4.

¹² Pa. Labor & Indus. Report, *supra* note 1, at 11.

¹³ Nat’l P’ship for Women & Families, *supra* note 9, at 4.

caregiving responsibilities, an entire family is put at risk—women are the sole or co-breadwinners in nearly half of American households with children.¹⁴

The Women’s Law Project knows firsthand how important passage of this bill is to working women in Pennsylvania. We often hear from clients who have suffered disastrous financial and emotional effects due to lack of paid leave. One client accrued tens of thousands of dollars of debt when her employer forced her to take months of unpaid leave after she experienced complications during her pregnancy. A pregnant client felt she had no option but to continue working for a company where she was sexually harassed because it offered paid maternity leave. Another client took a significant pay cut just to work for a company that offered paid leave. These examples illustrate the importance of S.B. 580. With the adoption of this law, Pennsylvania workers will not have to choose between working and taking care of themselves and their families.

The Women’s Law Project strongly supports S.B. 580. We urge every member of this committee to vote it out of committee. Thank you for the opportunity to present this testimony today.

¹⁴ Shaw & Hartmann, *supra* note 11.